ORDER OF THE DAY

TUESDAY, 18th MARCH, 1975

1. STATE OPENING OF THE LEGISLATURE (SEE PROGRAMME)

ADMINISTRATION OF THE HOUSE

2. PRIVATE MEMBERS' NOTICES:-

MR. EDWARD M. BELL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE D.H. MILLER, C.B.E., J.P. (POST OFFICIAL NUMBER).

UNDER THE CONSTITUTION RULES, 1964 SAYS IN THE AUTHORITY THE ADVICE AND CONSENT OF THE LEGISLATIVE ASSEMBLY, UNDER SECTION 3 (1) THE AUTHORITY SHALL HAVE POWER TO MAKE LAWS FOR THE PEACE ORDER AND GOOD GOVERNMENT OF THE TERRITORY AND NO OTHER OTHER LAWS OR PRIORITY AS THE GOVERNOR HAS DIRECT. WHICH IS IT EXCLUSIVE WHAT THE AUTHORITY WILL WILL LIKELY IT HAS NOT WHICH THE JUST WERE?

3. PRIVATE MEMBERS' RESOLUTIONS:-

(i) TO BE MOVED BY MR. C. EDWIN SCOTT (CONSTITUENCY OF BODDEN TOWN) AND SECONDED BY MR. JAMES M. BODDEN (CONSTITUENCY OF NORTH SIDE)

WHEREAS due to the fact that the population of the Eastern Districts is increasing, it requires increased medical services to cope with it

BE IT RESOLVED that the Medical Clinic at Bodden Town be staffed with a Duty Nurse in residence there, and that this be done within the next ensuing thirty-day period.

(ii) TO BE MOVED BY MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) AND SECONDED BY V.H. F. COLE BODDEN (CONSTITUENCY OF NORTH SIDE TOWN)

WHEREAS due to the fact that certain films are being shown in the various cinemas of the Island which are considered as not reflecting the moral and social standard of this community, and as at present there appears to be a law on the statute book incapable of coping with this problem and BE IT RESOLVED that a committee be set up to consider this problem and liaise at with Censors, consisting of the Attorney-General as Chairman and three members of the Legislative Assembly with powers to co-opt the services of up to four persons from the general public, such persons to have no vote and to report back to the Legislative Assembly for findings and suggestion for change.

(iii) TO BE MOVED BY MISS ZENIA A. BODDEN (CONSTITUENCY OF GEORGE TOWN) AND SECONDED BY MRS. JEAN STEPHENSON (CONSTITUENCY OF WEST BAY)

WHEREAS it is public knowledge that boys and girls under the apparent age of 21 years, are being sold alcoholic liquors against the present Liquor Licensing Law

AND WHEREAS the consumption of alcohol is becoming a menace to society, BE IT RESOLVED that Government take steps to have the Police Department inspect all licensed premises at regular intervals in an effort to correct this breach of the law:

AND BE IT FURTHER RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the proprietors have no licence to sell spirituous liquors; and that in the George Town area steps be taken to stop this illegal distribution of liquor which is so very prevalent.

4. GOVERNMENT BUSINESS:

. BILLS.-

(i) THE OFFICER'S LAW, 1975	-first and second readings
(ii) THE COURT OF APPEAL LAW	-first and second readings
(iii) THE ADMINISTRATION LAW, 1975	-first and second readings
(iv) THE CRIMINAL COURT LAW	-first and second readings
(v) THE IMPRISONMENT LAW .	-first and second readings
(vi) THE CRIMINAL PROCEDURE CODE LAW	-first and second readings

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, Mr. THOMAS WILSON, C.B.E. - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon. D.V. Walker, O.B.E., J.P.	First Official Member
Hon. G.L. Washington, C.B.E., Q.C.	Second Official Member
Hon. Trevor Foster	Third Electoral District Lesser Islands (Member for Lesser Islands co-ordination and Information)
Hon. A.G. Younge	First Electoral District, West Bay (Member for Social Services, Education, Health and Labour).
Hon. K.M. Donolly, O.B.E., J.P.	Sixth Electoral District Cayman Brac (Member for Tourism, Lands and Natural Resources, Public Works and Surveys).

ELECTED MEMBERS

Mr. John Doffusson	First Electoral District, West Bay.
Miss Annie M. Bodden	Second Electoral District, Central Town.
Mr. Claude Hill.	Second Electoral District, George Town.
Capt. W.A. Bush	Third Electoral District, Lesser Islands.
Mr. James M. Bodden	Fourth Electoral District, Bodden Town.
Mr. W. Craig Bodden	Fourth Electoral District, Bodden Town.
Mr. Osbourne Thomas	Fifth Electoral District, North Side.

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FIRST SITTING OF THE [1975] SESSION OF THE LEGISLATIVE ASSEMBLY
MONDAY 10th MARCH, 1975

THE PROGRAMME FOR PRAYERS WAS:

PRAYER: REV. FR. M.N. BAKER: Let us pray.

Almighty and Everlasting God our Heavenly Father, we pray for this Legislative Assembly on this opening day, we know that all wisdom and power come from thee. And we pray that each Member may turn to thee for special guidance and strength, that all may be done according to thy will. At this time we remember those Elders and Pastors so close now. As consider how they are now to pay that supreme sacrifice of his life, that we might be able to enjoy a fuller and more meaningful life. We pray Almighty God that each Member of this Assembly may always be willing to sacrifice of themselves, that the good of the whole people of these islands may be served. We ask our blessing for our Sovereign Queen Elizabeth, to Her Consort Father, Mr Philip Duke of Edinburgh, Her Children Prince of Wales, for all the Royal family. Bless and strengthen all those who rule over the Commonwealth, especially His Excellency the Governor of these Islands, the Executive Council, and Members of this Legislative Assembly here assembled. Bless and strengthen them, that all may be done in thy name. Amen.

MR. PRESIDENT: Pray be seated.

Honourable Members of the Cayman Islands Assembly we are assembled to inaugurate the third Session of the House during the current electoral period of four years. This session is half run and both the Executive Council and the Assembly have now got into a regular rhythm in negotiating these business. They have an output which is creditable and both Elected and not Elected their duty to the electorate to examine critically the policies and legislation under which the future of the country is being shaped.

I believe that a Throne Speech should be forward-looking, particularly as it did use recently the estimable economy of progress during 1974 presented by the Honourable Financial Secretary in his Budget Address last November.

However before starting our future course, I shall, like a prudent mariner, endeavour to use the weather, the log and the Nautical Tables to see exactly where we are positioned in March 1975.

It will be convenient to survey briefly progress under the seven portfolios under which the various departments and subjects are administered.

Communications, Works and Public Transport

Although a number of sizeable and major projects were completed in 1974, the major thrust in this portfolio was concentrated upon the possibilities each and the core of constructional effort, geared to ensure the implementation or completion of large-scale projects in 1975. The pharmacy/stores building at the Cayman Is grade Hospital, now being, temporarily used as an in-patient ward, was completed to high standards A clinic has also been completed in North Side. Two new classrooms and a Home Economics block were added to the Cayman Islands High School and additional classrooms each: three were added to the Cayman Brac High School and an infant block completed at the East End Primary School. A new all-weather shed was completed at the Owen Roberts Airport, and the police were brought up to standard with radio and other essential equipment. The laboratory/equipment building for the Natural Resources Unit was also completed by June 1974.

I shall touch later on the projects which have not yet come to fruition in envisaging the programme for 1975 and future years.

Tourism, Lands and Natural Resources

The Government-sponsored investigation of the Natural Resources Study began in May, investigating scientific study of reefs and coasts: littoral, marine biology, oceanography and natural history. At the end of the year a three-week conference was held including all the scientific advisers and those locally engaged on the project to determine whether the Study will produce the answers required by the Government and whether some aspects of the Study should be given further emphasis. It was concluded that the investigation was going well.

The work of the Mosquito Research and Control Unit continued, unfortunately without the co-operation of the mosquito which shows a remarkable adaptability to whatever kind of insecticides the Unit can throw at them. Because of this, a programme of larviciding with oil was planned for 1974 but proved abortive because of the oil crisis. The Unit was accordingly thrown back on insecticides and to improve the effectiveness of aerial spraying a Thrush helicopter aircraft was purchased during the year. In addition, as this campaign is expensive and accounts for some five per cent of our recurrent budget, longer-term solutions are being sought by physical controls. A fully-qualified Civil Engineer was recruited in 1974, a fly-thru ditch excavator was purchased for ditch-digging and a brush-cutting device obtained to reduce the costs of manual labour on vegetation control.

A new Head of Department or Agriculture, Fisheries and Horticulture, a new office building, a small increase of staff, and not least the stabilisation and increase of Jersey Cayman Farmers Limited, under the direction of the Swiss personnel, given new life to this very important sector of the economy. Important new developments in hydroponics, water spinach farming, and citrus and cattle-farming and egg production by long-established local entrepreneurs have broadened the base upon which the industry can be expanded.

Tourism was similarly given new impetus by the inauguration of the Department of Tourism in 1974 when the Tourism Law was enacted. Regulations were framed and made. All tourist facilities which must each six years now be subject to annual inspection and licensing. Promotional programmes have been reviewed and a Reservation Service has been established in Miami to facilitate the placement of hotel bookings by travel agents. It is proving popular and successful. Only one major tourist facility, Victoria House, was opened during the year. While the number of tourists increased to 93,140, a 26 per cent improvement over 1973, hotel occupancies dropped from 57.7 per cent to 45.3 per cent, and there was some falling off in bookings during the second half of 1974 continuing into January when figures were down 7.7 per cent over January 1974.

The Cadastral Survey has made good progress and at the end of 1974 a total of 5,774 parcels had been surveyed, covering a total of 15,000 acres. Cayman Brac, Bloc and Central, had been completed and all of West Bay and George Town, South and Central.

The Lands and Survey Department dealt during 1974 with 1,000 transfers of land at an estimated value of £14 million, and there were 300 charges valued at approximately £750 million. The Department has also prepared 1/2500 topographical maps for the eastern part of Grand Cayman which are available to the public.

Health, Education and Social Services

In addition to the new buildings already mentioned, the former Secondary Modern School buildings have been refurbished and a Treasurer's Office moved in the upper storey. This will provide much-needed extra offices for Treasury. A unit for the Court has been established on the same site. The Cayman Islands High School has benefited from the relocation of facilities and now houses 67 per cent of the secondary school population in Grand Cayman, with a teaching staff of 1.14, and a ratio of

77 teachers, excluding the Principal and the supporting administrative staff. Anyone visiting the school would be impressed with its organization, the cleanliness of the building and the attentiveness of the pupils. This is also true of the primary system. Children may also be found in the private schools which are attended by [illegible] per cent of the primary school population.

The child health services have been improved considerably by the provision of an Infirmary Ward by modernizing the public health legislation and providing additional medical, nursing, and clerical trained staff. The ratio of staff to population compares favourably with other countries of the region and rises to one which to 2,170 persons admitted as in-patients in 1974 and to 31,000 out patient attendances at hospitals and clinics. Good progress was made with the training of Caymanians in medicine, nursing, radiography, dental technology, physiotherapy and health services, with the second Caymanian graduation and public health services which in the last year has seen the opening of essential ancillary facilities. The Department is also responsible for garbage collection, which has been improved; 47,000 cubic yards were collected in 1974 and a welcome start was made in removing derelict automobiles, of which 650 were collected for disposal.

Out of the Legislative Developments over the last year has been the passing of the Cayman Islands Law and Council of Social Services which was approved by the Executive Committee but is to be put in off the ground. This Alliance (Caymanian, Service Clubs, Sports Clubs, voluntary agencies and Government representatives with social welfare interests. The Executive Committee, under a active and enthusiastic chairman, has started the Council's public face with registration and membership. The Probation and Welfare Department was strengthened during the year and there is urgent need, as appropriate funds, but contributions amounting to 100 per cent while needy children are to be provided with free lunches in Government schools.

The Seaport Islands and Facilities

The negotiations of the people of Cayman Brac to put a road to the Bluff were finally successful. Government and private agencies, and the road is progressively nearing the island. The reconstruction of Cayman Brac airfield has been held up due to lack of planning plans for the fill requirements. It is also a privilege and seven partly completed and an extension to the airport runway.

The airport at Is also was closed in mid August on the time of Hurricane Lenora of the emergency equipment and base School of aircraft were evacuated. Services by twin engine light aircraft were brought into operation to maintain the important communications link with Cayman Brac. Meanwhile, airport lighting equipment has been purchased and we hope to provide and the necessary clearance of trees and bush adjacent the airport will again be carried for this purpose.

The Administration is very [illegible] to serve the people to deal with requests for information from members of the public both here and overseas, and to publish the annual report and similar documents. Delays in getting the Annual Report printed emerge - the 1973 Report has not yet been published - and the aim is to produce the Report for 1974 which is at an advanced stage of preparation.

Legal and Judicial

Constitutional Developments. The Department is still short of an Assistant Attorney General and has been under considerable pressure. In the Judicial Department, an Assistant Clerk of Courts was appointed and action is being taken to bring the establishment staffing up to full strength. The Grand Courts and Magistrates Courts operate very satisfactorily and cases have been completed and re-listed.

The first six of eleven bills come before the Assembly at this session.

Finance and Development

The Financial Secretary's Budget Address gave a full account of financial and economic progress and outlook for 1974 and 1975, and I shall not re-traverse the same ground. I nevertheless mention the loan of approximately £192.2 million made available by a consortium of six local banks to assist the financing of the new Administration Building and the roads programme. Despite heavy expenditure within the provisions of the 1974 and Supplementary Estimates and recession in the countries with which we do business, 1974 closed with a surplus, which speaks both for the standards of financial control and the fact that the Cayman Islands are riding well in the direction and wake of the current slump. At the end of 1974 there were 18 banks and trust companies licensed, all being Class B licences. 2,968 companies were on the Register - 2,726 Ordinary Companies, 2,436 Exempt and 164 Foreign. In the development field a great deal of hard preparatory work was achieved towards the preparation of the draft Development Plan. A new Director of Planning was appointed and two highly-qualified United Nations Advisers joined the Financial Secretary's team.

External Affairs, Police, the Civil Service

The decision has been taken to remain in association in the European Economic Community, or Common Market. This will make the Cayman Islands eligible for a further amount of aid funds, although on what terms and to what amount is not yet clear. The decision to withdraw can be reversed after a proper examination if this is not to our advantage. There is a consistent obligation to restructure the Customs Tariff over a period to accord to other EEC countries the same terms as apply to the United Kingdom but this can be engineered so as to cause no loss of revenue and to take account of our special relationship with the United States of America and Canada.

The Police Force started two new investigations during 1974. British Territorial Assistance funds allowed the appointment of a training officer and a traffic officer and the inception of a Special Branch, and it is encouraging that there has been a substantial recruitment of Caymanians into the Force for the first time for several years. Much remains to be done to upgrade and modernise the Force, but there is little doubt that standards have risen during the period under review. With relocation in the Government New Administration Offices in Grand Cayman, the first steps have been taken to separate the Prison Service from the Police. This has already been done with the Immigration Department which is now responsible - albeit small immediately after accommodation in the Police Administrative Building - to the Chief Secretary.

The Civil Service, faced with increased volume of work and pressure of business as the economy expands, increased from an establishment of 356 to 392 at the beginning of 1975. Some 45 officers are serving from the United Kingdom, including seven locally engaged terms, and approximately 100 are recruited from elsewhere in the Caribbean. A successful three-week course has been run for middle management on principles and practice of management, and various improvements have been made in security procedures and the structure of five separate Government Departments. A United Nations Adviser in Public Administration has been of considerable help in planning and implementing these programmes.

Visits, Ceremonial and Staff Changes

The visits of Her Majesty's Ships, the Jumper ships RAPI and ROSS, were welcome visits which rendered valuable assistance to the Defence Resources Study. The United States Coastguard Vessel DALLATT visited George Town in December and the Royal Naval Patrol Vessel DARTMOUTH paid a courtesy visit last week.

The Governorship of the Islands changed during the year, Mr. Nick Brook leaving on the 31st of July and my own arrival taking place on the 16th of August. This Assembly was honoured by the

by the passage into law of a Note to Procedure by the Bank of Nova Scotia and the Bank of Nova Scotia Trust Company. Ad-hoc meetings with the Comptroller of the Currency, Mr. John Heimann, and visits from the Foreign and Commonwealth Office included Mr. T.M. Garner, Assistant Under-Secretary of State; Mr. T.A. Parsons and Mr. P.C. Duff.

Senior officials invited Mr. A.K. Wright, Development Adviser; Mr. D. Stokes, Principal of the Cayman Islands High School; Mr. K.B. Griffiths, Civil Engineer (Hydrology Research and Control Unit); Mr. Linford Pierson, Deputy Financial Secretary; Mr. A.L. Bodden, National Accounts Advisor; Dr. J. Jackson, Director of Agriculture; Mr. R. Conley, Director of Broadcasting. Since the Assembly last met the Honourable Attorney General, Mr. T. Waddington Q.C. was invested the CBE by Her Majesty the Queen.

In Private Sector

The Cayman Islands are one of the last bastions of free enterprise in the developing world and this is not something that we tolerate, but something that a Government is positively encourages. During the year, like other countries, we have experienced both failures and successes. The most serious was the placing of the Arcadia Group of companies into voluntary liquidation (see Appendix). This has potential consequences in the offshore banking industry, of damaging effect to the local economy and a disaster for the many investors, large and small). We were disturbed by the high rates of interest that the Sterling Bank and International Bank offered. While the end of the story has not been written, the offshore finance operations do not appear to have suffered significant damage and, except in some unemployment and unemployment locally anywhere, the effects of the local economy have not so far been as great as was first feared. Some companies have undoubtedly had major re-financing problems to face, and at the risk of management layoffs a number of invaluable were granted to find alternative jobs locally. At the time of the collapse the Government was endeavouring to recruit a qualified Bank Inspector, and has set up [illegible] if necessary, to visit for [illegible] of bank inspection necessary to measure up to the size of the task. It is overdue, now, that the Companies Law and, in particular, the Winding up provisions need modernizing and proposals are being revised with this in view.

Apart from the growth in bank and company registrations already mentioned, the Government and Cayman economists have been pleased, generally speaking, the quality of retail business in the capital, Georgetown. Many have taken over Caribbean firms. They have also opened their businesses in North Side and they have imported jobs and money to expand the size of the business connected with cattle husbandry. Mariculture, as well as surviving financial problems, has seen important improvements in feeding the turtle which could apparently bring the product to optimum size several years earlier than by using existing methods. This is being scientifically monitored and the company's operating policies have also been revised. In the field of communications, Cable and Wireless made good progress with the new telephone exchange and Caribbean Airways were granted flying rights between Miami and Grand Cayman in October.

With these developments, I hope that the Honourable Members present will agree that our position is sufficiently firm to chart our way in the future.

1979 will be a year of expectations and achievements.

Before the end of this month, I hope that the tenders for the George Town Port Development will be issued. This may need some lightening of our belts. The cost of the port will be in the region of $15.5 million, and we shall not learn until later this month the extent to which Caribbean Development Bank will assist. It would be

problem, of the most. In addition, the inevitable northeast reclamation which would will provide these areas of storage space and wharves - 6-7 acres would be the ideal - at. most about $15-20,000. It would be unnecessary to have this done at the same time as the main project. Ideally, if the work is to be of the most efficiency, the current administration work ought to be separated and the cost is estimated at a further $1400,000. The financial secretary is discussing the separate financing of this additional project from British Aid Funds.

This will be the largest Government project in our history. It has been well-designed but cannot be progressed at leisure. Five companies of international repute have competitively bid for the job. The cost is high, but is not beyond our capacity and every assurance of securing further loan assistance on most favourable terms and conditions will be explored when the exact commitment is known. It is a well planned development and there are, we believe, sound economic reasons for the construction. In the same way as it have taken a wise lead in the standard and intensity of our public buildings, so I believe that in a similar manner we should set an example for efficiency in port handling and operations in this part of the world.

The new administration building will be completed by the end of July and will house not only the complex of Government operations now in the West Wind building but also a number of other Government Departments.

The new broadcasting studios are taking good progress and the reception of the service will depend upon the supply of equipment, now first of which is expected in a few weeks' time. The station will have an output of 10,000 watts and will be able to cover Trinidad fiercely, Grand Turk, Cuba and even Central American countries. While this will help to economically the Cayman Islands' place in the sun, much more important it will enable a steady diversification of national work done by it and its citizens.

Work on the trial-site road programme has already started and one asphalt producer will be laid from the West Bay Town Hall to the cemetery that from the George Town Secretary along School Road to the road junction at Prospect Corners. The plant will also move to Bodden Town and work back to George Town from the Sister Bay cemetery. Shedden Road, Edward Street, Hardings Drive, Park Street and South Church Street are included in the George Town programme.

A water and sewage scheme began in October 1974 and a report will be made by August. This will establish the adequacy of existing water supplies and waste treatment, consider other sources of supply and the economics of piped water for the capital and other settlements, and recommend safe and effective means of sewage disposal where this is advisable.

Phase 2 of the Plan for the development of the Owen Roberts Airport included a new terminal building with ancillary facilities. The need is pressing and if the job is to be done properly it will be costly.

We cannot, however, economize. Economic Recovery is everything at once. With the heavy commitments for the port, a commitment for Cayman Brac airport, a possible new development area for the north Cayman Brac project, a possible new development area for the north side of Grand Cayman and the prioritization of other schools projects, we may have to consider the prioritization of these schools projects ultimately if, as we expect, the provision of piped water and sewage in George Town is considered urgent on health grounds. Additional sources of aid may ease the problem of priorities and we may be able to proceed speedily on several fronts rather than go quickly to complete one of the remaining large projects at the expense of another. Such decisions are the essence of good government with whom this country is fortunately well-provided.

In the field of education and public health 1975 will see completion of the new in-patient ward at the Cayman Islands

hospital and clinic at West Bay - a joint Government/Government project - and Rose Hall will be added to that opened at North Side this month. Improvements will also be made to dental and laboratory facilities and the hospital kitchens. Most importantly, health care services will be improved and greater impetus given to preventative health programmes. A library/resources centre and a sports hall and improved science studies are to be added to the High School; a nursery infant block will be built at the West Bay Primary School and land will be acquired for a playing field for the East End Primary School. Again, building from previous and current policy, the Certificate of Secondary Education examination will be introduced this year, which is designed to satisfy the needs of a large proportion of school-leavers. The country owes a debt to the Caribbean Examinations Council for conducting this examination on behalf of Government. Further educational and recreational centres will be introduced under the umbrella of a Community College on the Cayman Islands High School site in September of this year.

Under the honourable Minister Lonsdale's portfolio, the report of the National Conservation Study will be completed by the end of the year. During June and July a team of scientists from the University of Cambridge, sponsored by the Royal Society, will carry out an intensive study of Little Cayman and studies on reef life and mangrove will also be undertaken during the year. The report of the National Resources Study will also determine what further basic scientific studies should be undertaken from academic sources to fill in the gaps in knowledge which still remain. The Mosquito Research and Control Unit will concentrate on identifying the areas of Grand Cayman where intensive mosquito breeding takes place and on eliminating them by physical or spraying techniques. Physical control measures will be stepped up by the purchase of a further 75-ton bulldozer. In Agriculture, the possibility of an abattoir and a packer where terraced produce can be sold will be examined, and the Government plans to establish a small farm to conduct experiments on a semi-commercial scale and to produce planting material for sale to farmers and the general public. By the end of 1979 the Industrial Survey will have completed all West Bay Road and Bodden Town and all of Grand Cayman west of the Frank Sound/North Side Road. In Tourism, a close watch will be kept on the number of tourist arrivals and every effort will be made to consolidate and, if possible, improve the Department's success in attracting a flow of visitors during the low season months.

In the Sister Islands the cross-island road across the Bluff on Cayman Brac will be continued and the civic centre will be constructed as soon as the source of funds can been fully ascertained. The investigations in the renovation of the airfield are being started with the intention of completing this project by the end of the year. While the Government has received no further representations by the promoters of the proposed oil terminal on Little Cayman, it has engaged consultants who will be able to make a rapid analysis of any proposition as soon as it is received.

In recent years legislation has appeared before the Assembly largely as it was drafted, on account of a particular need. The Assembly can only be expected, meeting four times a year, to process so much legislation and it is important that this should be programmed so that low priority bills do not take precedence over more urgent legislation. Annexed to the supplementary question is a list of projected legislation according to the estimations assigned to Bills by the Honourable Members of Executive Council. I hope that this will be useful to Honourable Members as a guide to a guide to future business in this Session. I should add that it is rare with such programmes to get all the legislation which is listed. This, coupled with the printing of Bills in the Gazette and the reasonable requests of Honourable Members to have the minimum seven days' notice required by Standing Orders, should greatly contribute the brevity of the Sitting.

The Attorney General has agreed to be Chairman of a Committee which I have established to examine the whole question of

establishing the Cayman Islands as a part of necessity. This is the culmination of a long period of consultation by the Government and I commend with the spirit, if not the precise text, of a report which accompanied the Bill.

Under the Financial Secretary's portfolio the most important event of the year is undoubtedly the production of the draft Development Plan. I had hoped that this would have been available for Members before this Meeting but consultation difficulties will not allow its presentation before about the end of April. It will be interesting to members of the general public recently returned and the Development Planner, Director of Planning and other officers who have to deal the Planning Authority with its production will mount a public exhibition and explanation to enable citizens to find their way about a long and complex document and to assist them to get any objections to the Independent Tribunal in accordance with the Law. The development plan to permeate most will please everybody in all categories is impossible. But I hope with the machinery for public comment and assessment of grave criticisms by the Tribunal that this Plan will be ready, at its next meeting, to debate the draft Plan with a clear conscience as the public at large whether it be suited to the country's needs.

Police administration will be improved by the construction of three new stations in West End, North Side and Bodden Town, and modest expenditure of CI$7,000 will furnish the present Attorney General's Chambers with a reference hall for the police in George Town. The decision to place new police stations before the provision of a Tunnel for the police has been taken after careful consideration of the priorities, and in the knowledge that the British Government has agreed to make technical assistance funds available for the recruitment of an officer with specialist experience to establish an anti-drugs squad under the aegis of the Criminal Investigation Department. He should be at post in the next six months. The introduction of a police vessel will be reviewed against the success of this new section in controlling the drug traffic which is the concern of all members of the House.

In the private sector, the Government's capital development programme should go some way to offset a decline in private sector construction with the completion of the Cayman National Bank & Trust Building and the two new supermarkets. Planning permission has also been given for two tourist block of condominium unit for the Cayman Golf and Country Club at Breac Bay. The Mitchell's Bank marina project is again to go ahead and individual house construction is presently at slightly less than the range of the past four years. We are blessed with a dynamic private sector, and I do not expect this to be different from past years. There will be new ideas, new investment and no doubt new landmarks on George Town horizons before the year ends.

So much for the plans and policies for the months ahead. But can we make long-term forecasts about the weather? Inflation, as measured by the Consumer Price Index, was running at full tilt a year ago and the index had risen in January 1974 22.5 per cent over a twelve month's period. In the next six months the percentage rise was 9.4 per cent, and for the latter six months was 7.6% per cent. The annual rate has dropped to 17 per cent but more accurately the percentage rise, comparing the last six months with the preceding six months, has dropped by two per cent. The highest rises have taken place in the Fuel and Transport & Communications groups of the Consumer Price Index, due largely to increases in prices of gasoline and petroleum gas. Rail fares, telephone charges and newspapers have also increased during the period. The rise in the price of commodities over the last six months has been held to 9 per cent. While the countries who are our main supplyers are concentrating on the problems of inflation, we may hope that this trend will continue. We should not, however, passively accept our fate and decisions will shortly be taken on the important report by Miss Elizabeth Kenyon on improper practices. To avoid further speculation on our recommendation, I

observe that there is no intention by the Government in the foreseeable future to introduce income tax.

This brings us, however, to the gravity relationship between Government revenues and expenditure, and to the high cost of providing free services. An annual surplus is budgeted, but it comes from a very limited number of sources, and we depend each year largely on unusual increases to provide the additional expenditure added to the budget each year. This rate of growth will not be maintained indefinitely, nor can the narrow band of revenue sources. For example the Customs Tariff, Sales Tax increases which without hardship to sections groups of the population. Education, pensions and free medical services are heavily subsidised by the State payments to the old and the needy will undoubtedly receive review: the enormous sums of money for communications, public buildings, the cost of energies control, pensions for the civil service - which has a high age/youth ratio - will climb, perhaps at a higher rate than the revenue to support them at current rates of growth. While the going is good, the responsible duty lies with the Fiscal Committee to keep one wise and secure at keeping new revenue and on new finance Committee of echoing expenditure by whatever means will hurt the population least.

I referred earlier to the Maritime Tables. Those are useless if they are not up-to-date. Many of our procedural texts of the trade are anachronistic. The Standing Orders of this House are badly in need of a thorough study of preparation and will come before Honourable Members during this Session. The Public Service Commission Regulations badly require modification to allow some delegation to Heads of Departments in respect of junior staff and the Permanent Secretary (Establishment) on various minor matters of public service affairs. The Civil Service has increased tremendously since the original regulations were made and requires to be revised to correspond with modern personnel practices. The Federal Orders for the Civil Service Arbitrator, upon which a start is being made, and the Treasury Secretary has also under study a Finance Control and Audit Law with Financial Instructions applicable to departments. All these matters will be given specific attention in the coming twelve months.

Lastly and I make the observation personally and without in any way committing the Executive Council - I am led to speculation if the time has not come to consider whether some form of local administration would not be appropriate, particularly for George Town. But also it lends weight for the other areas. Local administration is never most effective when it is undertaken centrally and the involvement of a local community in its own particular affairs can lead to creative results. Local revenue sources would be assigned the moneys will be collected, other revenues now being collected in the area, and could have funds also be made centrally allocated to them for the supervision of services in their areas. Town halls, cemeteries, public parks, garbage services, upkeep of minor roads and footpaths, garbage collection, marketing, licensing of taxis and control of public places, could be brought within the control of the local community and Councils would be able to make by-laws on these matters. One of the main advantages is to make Government more responsive to the citizen and to allow the small problems often of great local importance to be given the prominence which, through preoccupation with country issues, have sometimes to be consigned low priority by the central administration. The introduction of such a system would require discussion with the populace, legislation, and careful planning but it would not be impossible, without consultation. It fits perfectly with the regional experiment to explore its possibilities further. It seems fair that this was worthwhile.

The occasion for me to thank all Members in the House, the Clerk and the Sergeant-at-Arms for their unfailing courtesy and assistance in helping me to adjust to my new future. I also feel it is fitting to acknowledge the assistance which by members of the Executive Council in shaping and deciding policies for which they are individually and collectively responsible. Despite some misunderstanding of their role as the Member system is relatively new here, I can truly say previous

Legislative Work the Council is working as well as a Cabinet in the Assembly is of the Parliament of the country. Your constituencies, Honourable Members, is in a robust and healthy condition. I acknowledge, with the efficient work performed by the civil service in the past years, and the endeavours of the Churches and the many Service organisations who are doing so much for the country.

I pray that under Divine guidance, Honourable Members will be imbued with the wisdom which has characterised their direction of the country's affairs in the past, and that the Caymanian people, under Her Majesty may continue to prosper as one of the most loyal and lovable of her territories, will continue to pray to God to bless it so.

LEGISLATIVE PROGRAMME - 1975 ONWARDS

A. First priority - Bills to be introduced at the first Meeting of the Legislative Assembly in 1971.

The Interpretation Bill
The Juveniles Bill
The Customs Bill
The Court of Appeal Bill
The Criminal Procedure Code Bill
The Grand Court Bill
The Imprisonment Bill
The Penal Code Bill
The Poor Persons (Legal Aid) Bill
The Succession Bill
The Summary Jurisdiction... Bill
The Public Service Commission (Amendment) Bill

B. Second priority - Bills to be introduced at the second Meeting of the Legislative Assembly in 1972:

The Bail... Bill
The Post Office Bill
The Public Entertainment Bill
The Divorce Bill
The Animal and Plant (Importation) Bill
The Conservation Bill
The Bank and Trust Companies Regulation (Amendment) Bill
The Insurance Bill
The Firearms (General use Audit) Bill
The Currency (Amendment) Bill
The Water Boards Authority Bill
The Immigration Bill
The Minimum Wages Bill

C. Third priority - Bills to be introduced to the Legislative Assembly in the second half of 1976:

The Institute of Accountants Bill
The Auctioneers Bill
The Bailees Bill
The Registration of Shipping Bill
The Arbitration Bill
The Evidence Bill
The Limitation Bill
The Powers of Attorney Bill
The Perpetuities Bill
The Criminal Conversations Bill
The Mutual Funds Bill
The Stock and Share Brokers Bill
The Trade Marks and Patents Bill
The Accountants and Auditors Bill
The Business Names Registration Bill
The Cheques Bill
The Contracts Bill
The Sale of Goods Bill
The Water Supply Bill

D. Fourth priority - Bills to be introduced after 1976:

The Age of Majority Bill
The Public Trustee Bill
The Poor Persons Relief (Amendment) Bill
The Clubs Bill
The Public Companies Bill
The Pensions (Amendment) Bill
The Charitable Trusts Bill
The Companies (Amendment) Bill
The Architects and Civil Engineers Bill
The Archives and Public Documents Bill
The Employment Bill
The Rights and Remedies Bill
The Interpretation (Supplemental Provisions) Bill.

MR. CEDRICK THOMAS: Mr. Speaker, Honourable Members, Visiting Dignitaries, Cabinet Guests, Ladies and Gentlemen. May I just be allowed to exercise the privilege of having something to say, or just to be heard? Mr. Speaker, I feel that I am honoured and privileged to be the First Elected Member from the Members of this Honourable House to have the opportunity to extend a vote of thanks to you Mr. President on behalf of Members of this Honourable House, for your first Throne Speech on behalf of the Honourable Members and the people of the Islands on the whole.

Mr. President, I am sure you have spent many hours on the preparation of document that you presented to us as your Throne Speech. You have given us a true picture of both sides of the ship, 1973 and 1974, as you see it. Even though there may be some stormy waters from time to time over the next nine months, as we meet to carry out our duties to the affairs of our country. I am sure Mr. President with your knowledge, wisdom and guidance, and with the help of these able bodied Elected Members we will keep the ship on her even keel.

Mr. President again on behalf of this Honourable House, I say thank you for your Throne Speech. Now Mr. President before sitting down, I would like to take the opportunity to make a formal motion that the Throne Speech be debated for debate until Friday the 24th. I thank you very much.

HON. JOHN STEVENSON: Mr. President I second that motion.

QUESTION PUT: AGREED.

PROCLAMATION LEAVES PREMISES

CLERK: THIS HONOURABLE HOUSE IS NOW SUSPENDED FOR TWENTY MINUTES.

MR. PRESIDENT: Please be seated - Proceedings are resumed. We proceed with Private Members' Questions.

QUESTIONS

MR. CLAYTON H. HILL, THIRD ELECTED MEMBER FOR GRAND TURK TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER (CHIEF SECRETARY):

WHEN THE CINEMATOGRAPH ACT, 1964 MADE BY THE ADVISORY COUNCIL WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE ASSEMBLY, UNDER SECTION 4 (1) THE AUTHORITY SHALL MEET QUARTERLY OR IF THERE IS NEED OF MORE QUARTER OR AT SUCH OTHER TIMES OR FREQUENCY AS THE GOVERNOR MAY DIRECT. WHEN IS IT EXPECTED THAT THE AUTHORITY WILL MEET SINCE IT HAS NOT YET MET DURING THE LAST YEAR?

ANSWER: A MEETING OF THE CINEMATOGRAPHIC AUTHORITY WILL BE HELD BEFORE THE END OF THIS MONTH. THE DATE OF HOLDING THE FIRST MEETING OF THE AUTHORITY IN ANY YEAR IS DEPENDENT ON THE RECEIPT OF APPLICATIONS AND THE INSPECTION OF THE PREMISES TO ASCERTAIN WHETHER THEY ARE IN A SAFE AND SANITARY CONDITION.

THE AUTHORITY LAST MET ON THE 26th APRIL, 1974, TO CONSIDER THE APPLICATIONS FOR THE YEAR 1974.

THE AUTHORITY MEETS DURING THE FIRST QUARTER IN ANY YEAR AND DURING THE OTHER QUARTERS IF THERE IS ANY NOTICE TO BE DEALT WITH BY IT.

MR. CLAYTON HILL: Mr. President, I would like for a supplementary question Sir, in regards to the Authority of the Cinematographic Law. Has there ever been an application before the Board in regards to cinematographic projection room the past nine months?

HON. D.V. MILLER: I am not aware of what the Member is getting at

HON. D.V. WATLEY (continued): as to this request of any application before it.

MR. CLAUDE HILL: Mr. President, I will try to explain it a little more clearly to him Sir. The matter arises in his answer to my question here, that this is the matter of business before the Board at that time when the Law requires for once every quarter for a meeting. And I am aware of the fact that there was an application before the Board.

HON. D.V. WATLEY: Mr. President and Honourable Members, I'm wondering whether the Member's referring to an application by someone from the Eastern District, because that was to use the Town Hall, if that is the case he's thinking of; any permission had is to be had from the Authority that governs the Town Hall, whether they would allow it to be used.

MR. CLAUDE HILL: Mr. President, if I am permitted Sir, I would like to look in to be a little clearer. The application was for the party in question to build and also to operate, whether it was Town Hall or not.

HON. D.V. WATLEY: Any application to build a building would be before the Planning Board. It's not the Authority that grants the permission for erection of a building.

MR. JOHN OSTEBOOM: Mr. President, with your permission Sir, may I ask the Minister responsible in the Ministry of Health what kind, personal or private has the ownership for films in these theatres.

HON. D.V. WATLEY: Mr. President I think there is a Motion coming before the House in respect of the feeling of the House regarding the showing of films, and I think it might be more appropriate that at that time.

MISS DORIS A. BROOKS: Mr. President, with your permission I should like to ask the Prime Official Member if in his opinion the only duty of the Board is to see that the premises are clean, and not the pictures also.

HON. D.V. WATLEY: Mr. President and Honourable Members, the Board grants permission for places to be licensed to show films. We also answer that the premises should be inspected in order to see that their sanitary conditions are in order, and that due precaution is taken in respect to the fire fighting equipment within the building.

MR. CLAUDE HILL: Mr. President if I'm permitted one other question I would like to ask - Has the Board agreed on the law in this part?

HON. D.V. WATLEY: Yes, so far as I'm aware.

MR. PRESIDENT: If there are no further supplementaries, I shall move on to next item on the Agenda - Private Members' Motion.

PRIVATE MEMBERS' MOTION
STAFFING OF MEDICAL CLINIC AT BODDEN TOWN

MR. C. ERIC BODDEN: Mr. President, Honourable Members, I beg leave of the House to deal with the Private Members' Motion standing in my name, in regards to the staffing of the medical clinic at Bodden Town.

HON. JAMES M. MCCOY: I second Sir,

MR. PRESIDENT: If there's no objection the Honourable Member may proceed with the motion.

MR. H. RAY (NDP): Mr. Speaker, honourable members, after hearing the Throne Speech this morning, one might wonder if I would still dare to ask for additional medical services. I am sure, however, although the Throne Speech did have a long tabulation of achievements in the medical services, the last session that we had in the Eastern Districts has occasioned there to be a big backlog of medical services. So what we're asking is not really increased medical services, but seeking a reinstatement of services which we enjoyed twenty five years ago. We're asking that our services in these districts come up to par with what we had a long time ago. We want a service that is comparable in quality and extent to what we enjoyed twenty five years ago.

Let me take you back in time to that good era when we enjoyed a full time nurse who was resident in Selkirk town, and she visited North Star and Inwood at regular intervals. So that time the government doctors were willing and able to take house calls. But today our medical services have become so plastic and so computerized. But house calls is now a thing of the past. Although I heard in this morning's Throne Speech that the ratio of employees in the medical service compares favourably with the population, and although I also hear that the nursing chart has been increased, there seems to be a shortage when it comes to the Eastern Districts. Being the problems to the hospital is the way we have, regardless of the conditions, regardless of the surrounding circumstances. It doesn't matter whether the person is aged, ill in bed, suffering head injuries, previously dizzy, sick as a child, suffering from infectious or contagious diseases, the only way we have is bring the person to the hospital.

Today we have a far greater need for a full time resident nurse than ever before. I never say go take the nurses who we need a nurse, that was understood by government many years ago, but to touch lightly upon it. We have today many more accidents, we have many more people in need of first aid, and then today it seems that when a person is sick, we need specialized treatment. Even a cross cold cannot be cured without a series of injections. Many times a person will have to have injections counting the disease as go to the hospital every day for many weeks, and so the need exists for a qualified person resident in the centre of the areas to administer these medications.

Sometime during last year the people of Ashern Town formulated a survey, because many had become so dissatisfied with the services. The First Nation Band Ashern Town and I were able to discuss these people, and so create the curiosity of another search, by promising them that we would use every effort to get a full time nurse. We went about it through the regular channels. We had promises, empty promises I must say. We were told that by Dr. Alex May, the Inwood Town Clinic would be staffed. But when the time came we found out that it would only be on a part time basis. We are not satisfied with part time services, because people cannot choose the time when they will get sick. You get sick when it comes upon you, regardless of the day, or whether it's a Thursday the nurse visits the district or not. So we must have full time services. Last year we were given certain assurances that these services would be improved, and would be put upon a regular basis, but on a sanctioned basis. There were empty promises. While I must admit there has been a little improvement, it wouldn't put any nurse. There has to be some improvement still. It has not measured up to our expectations, we have not seen anywhere near filling the void. It is not as good as it was in the past, it is not what we were promised. It is not what could be afforded, and it is not what we desire, and the people are dissatisfied with it.

I heard a very encouraging statement in the Throne Speech, and I am hopeful that one of these days that statement can be implemented. In setting up of Local Councils in that it will enable people to have input, matters that would ordinarily be over shadowed by fairly rational issues. We have what this is going to

MR. G. REID BOLTON (Kingsway): ...ory of the local people with regard to the medical services can be heard. It is true that there has been good work done in providing the buildings. We know that North Side was very fortunate to get a clinic. This clinic was started for an expensive cost [illegible] year, and through the courageous efforts of the member from North Side, it was converted into a clinic, and it was decided to right the latrine in a less conspicuous place.

In Baldur town we are fortunate to have a clinic which was built some years ago, and I'm glad to see that West Bay is now getting a clinic, and the good people of Rest Bay will now have a clinic. But the point I'm making here is, that there was a clinic in Baldur town long before any of these other districts, long before there was a clinic in West Bay, we enjoyed the services of a full time nurse. How what has happened to our medical services that Baldur town and the other districts are not serviced by a full time nurse, when there's a full time nurse in West Bay, in a place that has recently been given the services of a clinic. That we appeared to lessen the image and the needs of the people of Baldur town and the other Interlake Districts. Why is it that West Bay now has full time services which we enjoyed twenty years ago, and we do not have the services? Why is it when the population of Baldur Town which has stagnant for hundreds of years has now improved, and today with the growth of people from outside that have settled in Baldur [illegible] why is it we have to settle [illegible] five years ago.

I recognize that 5 [illegible] years ago we were given the services of a nurse, the first one [illegible] a bad [illegible] was a disgrace to the [illegible] Lake. And I don't want to [illegible] talk about public [illegible], but it is a fact that this nurse had to be removed, since that time we have not had a nurse. What we want and what we have is a fully qualified nurse working full time, living in Baldur Town so that is perhaps the nearest [illegible] travelling to Rest End regularly, to attend clinic regularly. The services of such a nurse would be a boon to the people from North Lake and [illegible] have to travel many miles to get the services of a doctor. Just [illegible] when a nurse has to get an injection, it means that person must travel many miles, [illegible] because we have not had the provision that could do this job.

Something was mentioned in the throne speech about putting the emphasis on the preventive side of medicine, and if this is to be done, it cannot be done unless a qualified person is resident in an area where that person knows the people, where that person understands the problems, and can give advice, and can help to educate the public.

To sum the process why I feel we must have a nurse that is fully qualified and is working full time. One, people do not choose the time when they will have medical assistance. People cannot afford to spend a whole day to come to George Town to receive eight [illegible] examinations which could better be given in their own districts. What about the life saving aspects in cases of emergencies, when proper first aid might save a life? When proper travel arrangements of the injured person might save a life, are all these things ignorable. What about education in public health matters? What about the poor communications that exist between the districts? What about the long distances that the sick must travel just to get a blood pressure reading done? We have suffered long, and we've waited long. We have been put off by every imaginable excuse that could be given. Today we're asking that this matter be looked into, not for the well being of the two Members from Baldur Town, because I can assure this House, I have never had the good fortune of spending a day in a hospital, and I look forward to continued health. But there're many people that are not so fortunate, and there are many people that need the services of a qualified nurse. And all we're asking is, that government

Mr. S. [illegible] (Acting): Given this matter as a priority, and they see that the last section of the Resolution be carried out - that the medical clinic at Bonavista Town is staffed with a nurse and that it be done shortly.

Mr. Clarke (Fogo): Mr. President, Honourable Members I rise to support Premier Smallwood's Motion in regards to the opening of the clinic in Seddon Town.

It is a fact that buildings are being placed in various districts of this Island as clinics, and most of the time they're closed. In this way and age when we claim to be progressing, advancing, and wrongly to think it as such. Twenty years ago the member said, I fully remember Seddon Town had a staff nurse residing in Seddon Town and available to the Eastern Districts in general, Beach Side, Deer End, Savannah and would even bring a patient to a doctor in Town if the need arose. It is a fact that if the medical department claim they have no nurse available to be placed as a resident nurse in Seddon Town, let us have her here, as any part of the Island. Let us know we are looking after our people - the underprivileged, people who cannot hire a car, or who haven't had a friend who would take him to a doctor. When they go to the hospital he still has to see a nurse before he's examined, and told whether he's sick enough to see a doctor. I stand right on this Chamber and brought that matter in the last meeting. I have seen quite a bit of changes at our present hospital.

With regards to the Honourable Member whose portfolio it has risen since, he has done a remarkable job in the past since he has taken this over; and it's no use of us standing here, or sitting here and saying a point when something is not done. Talking puts you nowhere if advice does not take place. I thank you Sir.

Hon. R.O. Pearson: Mr. President, I was happy to hear the note on which the mover of this motion ended his contribution, because it is up to take what was said as it was said. I don't think we very very much argument about this motion, except for a few interjections which I would like to correct. I can give the assurance that I think I can move any blood pressures from rising over this motion, and the possible cause of bringing a nurse or medical adviser into this Chamber.

Now reference was made to the Throne Speech in which it was said that emphasis is being placed on preventative medicine rather than curative medicine, and the fact that clinics are operated in the Districts. One part that the Public Health nurses of the medical service is stronger now than it has ever been and testes to government's efforts and achievements in this direction.

The member mentioned that he would like to see the service which was enjoyed twenty five years ago reinstated. Twenty five years ago it is possible that they did have a nurse resident in Seddon Town for the Eastern Districts, twenty five years ago we had one doctor also stationed in the Island. There was also some mention of a Thursday visit to the Districts, and I don't know what time in history the member was speaking about. But I have a schedule of the Public Health nursing service for Seddon Town and Eastern Districts, from January through April 1975. And every day of the month from Monday to Friday save one Thursday on which the doctor and his team visits the clinic in West Bay, a Public Health nurse accompanies by a doctor on first Tuesdays of the month is in the Eastern Districts. On every Monday of the month and on every Friday of the month, the clinic which three times per week the clinic at Seddon Town is opened from 9 - 12 a.m. And in the afternoons the nurse pays home visits to shut-ins, and persons who are unable to get to the clinic. In addition the Seddon Town Convent, and Savannah School, the Beach Side School, the Deer End School are visited as well as the clinics in Beach Side and East End. Now having said this, I have said this to prove that the Eastern Districts are not without service. And

Hon. J.C. BENNETT (Cott'n): With regard to the unfortunate mix-up which the member referred, I would like to say that I had no part in remarking that particular corner. I must also put the record straight, that I personally have never been approached on the matter of putting a nurse in the Beckton Town clinic, although I have seen this resolution on the order paper for some time.

The question was asked why a nurse in Mare Bay and not at Hudson Town. May be the answer to this or I be the answer to the whole problem. I think that if one enquires they will find that the nurse at West Bay came into the district, took up residence, and returned to be employed in that capacity. We have not been well until now to recruit a fully qualified nurse, because we probably would have sent him a makeshift nurse to this, but we are not in the habit of making mistakes, as leading people. And it is not an easy task to find someone in this day and age to go into a district to be at beck and call seven days a week, twelve months to the year, with but a short break. But as I said, if the motion is to be in the vein that the House sought to widen it up, I have no quarrels with it, because it is government's intention to endeavour to find a resident nurse for the Beckton Town clinic. And in fact we have a State Registered Nurse who is also a certified Midwife, and qualified Public Health nurse, who has just now been returned from Public Health training. She has indicated that upon completion of her leave she will be prepared to reconsider the assignment to the Western district. Unfortunately there is none to at that time, the operating section of the Beckton Town clinic needs rehabilitation because sewage seems to go in every and time. And while this will be treated with utmost despatch, I am unable to give an undertaking in number of days at this point, when this work can be completed. Because of this it is unlikely that the nurse would be able to move into the clinic prior to taking her leave, and it is likely that she would not be taking up the assignment until completion of her leave. But if the motion can be amended, that government will put a resident nurse in the Western Town district as early as possible, so that it be treated as a priority item, I am willing to support this Resolution without any further debate. But I am unable to give an undertaking that the request will be done within the period as specified in the Resolution. But having read the prayer, I don't think that the difference is warranting here, and the assurance is given that this will be done with despatch, and at our earliest convenience, that this will bring too much debate.

MR. SPEAKER: Is the honourable Member moving formally an amendment to the motion?

HON. J.C. BENNETT: Yes Sir I would formally move that the operative section of the motion be kept - Be it resolved that the medical clinic at Beckton Town be staffed with a duly nurse in residence there and that same be done within the earliest possible period of time.

HON. G.K. MATTHEWSON: I beg to second that motion.

MR. SPEAKER: Such a motion may be moved without notice, under Standing Order 13, and we therefore continue with the debate on the amendment.

HON. ERNIE E. BOLGER: Mr. Speaker and Members of this House, I rise to support this motion. It is very necessary to have in a district a people nurse, and one who is available at all times.

Sometime during the early part of this year there was a very sick patient in Beckton Town, who needed to have injections and quite urgently. I have a friend who is a nurse, and who resides at Beckton Town, and who for one week I gave continuous care anyone to that patient.

MISS PRATT (Mrs. Madden (Lucy's) also I daresay she could have been said as far as relatives of the person was concerned but she doesn't have a work permit, and she gladly gave her services free. On most occasions as I understood, if this patient needed an injection she would have to come to George Town, or vice versa, a nurse would have to be sent from George Town to administer an injection. This was not possible, and consequently this good lady would have suffered and it was done for the service of this kind registered nurse.

Now I'm not saying this to advocate for any job for this nurse, but that seventy-eight pounds, because she took weeks that she attended this patient, I paid her every day as my secretary. So I'm saying the need is there, and I cannot insist that we should let him/suffer. In my way of thinking, after your soul salvation is assured, the next step is to protect your health. Some people say education, we can exist without education, but we cannot exist without good health. And I feel that every effort should be taken to secure the services of a fairly qualified nurse, and I suppose I'll have an add midwife as that, to assist the people of the Eastern Districts. They deserve it, and all of us are able to get to George Town, or to Anotha district at our convenience. We have to go when we can, and I would strongly advocate that we do not trivia with this matter, but the services of a nurse to be duly at the Eastern Districts be secured as early as possible, and as early as possible should be when the end of this year. Thank you Sir.

MR. JAMES M. BULGER: Mr. President, Fellow Members of this House, I apologise for the having to bring this matter to this House, because I am sure that people wonder why it has to be done.

Mr. President, I personally have written over a year now two letters on this particular subject along with many more to the particular member involved, and I don't know whether the mails are lost or not, but I have not yet received a reply. Besides that Mr. President, this Honourable Member himself had/addressed to this House that he has seen the matter standing in our name for approximately six months here at the Assembly, and as the Minister responsible for it, we would have spoken to us and said, well sometimes within the next six months, we will find you a nurse. I have since spoken to his counterpart in the Civil Service on many occasions, and it really was from him Sir, Mr. President that we received the assurance that by May 31st of last year our clinic would have been staffed. So that is the background behind this Mr. President. And as I said, I am sorry to vent on this House as well as to show courtesy that the members of this House including myself cannot get a long very better. But although my colleagues from Bodden Town and myself use very easy gentle to get along with, and are used to having to go on turned knees, we are more prone coming in that position.

Mr. President we now have/come the fear that the Eastern Districts including Bodden Town does have a population size at the present time that would warrant the staffing of the clinic. Mr. President the confidence alone that can be created into the people who live in these districts by knowing that there is someone qualified that can take care of some of their problems, would really help the entire area. This has been the custom over a great many years. I am sorry that years ago, and I speak subject to correction of my memory, but I think from the time I came to knowledge the Bodden Town clinic has been in operation. Now if it was not necessary to have a clinic, and to have it staffed over those many years, why is it it was built in the first place. I am sure that the population of the Eastern Districts is as large as the population of West Bay, and I have been told the clinic in West Bay is staffed by two nurses. I am glad for one thing and that is we have that way is one more than we will have the people of Bodden Town, by having a clinic properly staffed.

MR. JAMES F. TAYLOR (KENTE): Sandra was ready on the nurse who fills the position in West Bay, because she lives in that district. To my knowledge in the Sadder Town district we have at least one fully qualified nurse who resides there. Another member has just told us of another one, may be it might even be more. But I cannot believe that this government with all the powers at its disposal must wait fifteen months, and then another promise of in due course on top of that to find a qualified nurse to put in Sadder Town. Now we have been waiting for nearly a year and a half, and we are not prepared to wait any longer. We have a motion asking that this be dealt with within the next thirty days, and if it must go down to defeat on that Mr. President, then we are prepared to stand back and let it go to defeat. But I will remind them now, that the next time we bring this motion back, we will be bringing it back with hundreds of signatures on it from the Eastern District, and if we have it here we will march to some other place.

We cannot turn people becoming too important, too glorified in themselves, this we have been suffering from particularly for the last two years, and when I use this Mr. President it brings to mind the words of the world's greatest statesman, Sir Winston Churchill when he was commenting about Sir Stafford Cripps, and he said "There but for the grace of God goes God". How long now our government agencies been used as politics, tools, since you have been back Mr. President you have displayed a great interest in our people, and I hope and trust from the bottom of my heart that this is complete genuineness on your part. And being it is genuine I hope that you can assist me in seeing that the Sadder Town clinic is properly staffed, and that arbitrary decisions are not made about it in the future.

We have been promised as I said a while ago that come end of May 1974 it would have been staffed. If we had waited until the next session, it would have been the end of May 1975, and it is still not properly staffed. We had been told more or less in blunt words that we must be satisfied with what we have. Mr. President, I am certain that the members of this House hearing the argument my colleague and myself are making today with the backing of our people can be assured that we are not satisfied. What has been happening in the Sadder Town district will not having a clinic properly staffed, and as most of you are aware, the people in the Sadder Town district mainly live to a ripe old age. I do not know whether it is the sea breezes or certain minerals in the water or what it is, but we have a number in having, a lot of old people in the Sadder Town district. And it is not easy for these people to endure the sickness and suffering, and also have to endure the expense of going to George Town just to get a simple bandage, this has been in the past bringing quite a bit of attack on the other agencies who give to that district, and we are not getting the attention for the people that we should be getting. Now we are seeking the intelligence of this House, and the help of the members that in the very near future, within the next thirty days that the Sadder Town clinic will be properly staffed. Too many empty promises have come to us in the past for us to accept an amendment that would endeavour to correct this situation. So Mr. President we heartily seek the assistance of every member of this House in helping us to get this motion passed, that this clinic will be staffed within the next thirty days. I cannot for the life of me see how it is that difficult to find a nurse. The Honourable Member who spoke on this a few minutes ago, I think put forward a very good argument in our favour, when he said that the clinic in West Bay only has to be visited by a doctor team once a month, but the Sadder Town clinic has to be visited three times a month by the Public Health team with the doctor. What means Mr. President, that the people in those bay by having one or two fully trained staff nurses are getting better attention than the people in the Eastern Districts are getting, because we have to have the doctor there three times as much as they are. So with that people once I crave the indulgence of the House, and ask that we get support remembering that no one knows what he's going to be sick. It's like the Bible said, about no man knoweth the day or the hour

MR. JAMES M. TAYLOR (CONT'D): ...in the naming of the bord. Still that naming of the Lord Mr. President would also have applied to the coding of sickness. nobody knows the day or the hour. Thank you Sir.

MR. SPEAKER PEARCE: Mr. President and Honourable Members, I don't intend to say very much on this motion, because if I should start depicting my entire feelings in connection with this motion I will undoubtedly cover more ground than most members would expect today. But it is the fact that if the Bahamas Districts would have lived up promises over my time of being in this House as an Elected Member, if half of those promises had been fulfilled, and it was changed into currency, this government wouldn't have to think about inflation or hard times either. But so many of these promises just go down the drains, go in the waste basket, they go in the dump pile. It was trusted like it never to make much difference. We're treated like any time would be convenient, any time would do. When we had over many years the manner to serve this whole island and her as basic nurses probably, along many lines we pregnancy services that we're getting today. I will remember one doctor in particular remarkable of the hour of the day, regardless of the hour of the night he was called, "I will be there." But call one now, "I'm not coming, I'm in a party, I ain't leaving, I won't coming."

I went once to call a doctor for a sick woman, a big emergency case out at it. Why didn't you bring her - I don't think in my opinion man would travel. They decided to send a nurse to the district of North Side, and the nurse did report that if the woman had been rushed before having first aid, she wouldn't have survived them. I could go on and name a number of these occasions that I have got in arguments with doctors trying to help the sick and needy in the Bahian Districts. And it make my angry when Mr. President because in another few days I trust I will cover every territory in this island, in this government, the people training from your Throne Speech this morning. But I give my whole support to this motion, and the time has come it we just don't stand up and face some things, and say that it's now or never, we will still go on into the yesteryears look with the plaque never signed, that we will get what we were promised. So I support this wholeheartedly, and I hope within the next thirty days that we find a cause to establish into the Bodden Town area, for the benefit of the Bahamas Districts. I thank you Sir.

HON. PERRY CHRIS: Mr. President, Honourable Members, I've listened to the debate attended on this motion, and I must say that I wholeheartedly sympathize with the sentiments as uttered by each Member. It brings me back to remember the many years of suffering we had in the past. But I would like to add one bit of correction to me, at least you have a connecting road to George Town, we didn't have any, we just stayed and suffered. However I feel certain that after the Members have seen the schedule which the Bodden has presented, but which you did not quite understand at that time, you will have seen a relaxed look. The Member and the Department has definitely been working towards filling this necessity in the districts. But I might add that these things don't happen overnight, we've had the same problem in the past with nurses coming, not satisfied, leaving, not being able to get a rap account, now it's very easy to find the fault, but it's a little bit harder to mend it.

The Member made reference to not getting on in the House. I can't help but say that may be if the Member would try to get on better with the other Members in not tearing each remarks, may be the operation of this whole House would work out better. It seems to me like we like to get against every one in here, and nobody is willing to give and take - I think this is necessary. On the other hand you're even better off than we were, your clinic was built, we had to go and start building ours ourselves. Now I would like to add that may be a suggestion to your premier is, if you would get your people interested and do like us, start refurbishing the clinic, and then we in government, see look we've

MR. TREVOR EATON (Queens): ...pleasure to do yours. As I said before I can understand the problem, but surely Members should be able to understand that everything cannot be done overnight, and I feel certain that the Member in charge will co-operate in every manner that is possible, but I feel also that it would be unfair to rise up here and pin him to a certain time. Because if within the thirty days it can't be done, the same Members will be back saying why wasn't it done within the thirty days, and if it's impossible, it's impossible. So what I would like to suggest, that a programme be made, and I am certain that the Department will do everything possible to get the clinic in operation, and staffed as quickly as possible. I thank you Sir.

HON. P.A. SMITH: Mr. President and Honourable Members, it gives me pleasure to rise on this motion this morning, because it's the first time since I've been here that we've had a Government side clause. Even if the Second Elected Member for East Bay doesn't vote on it, we still have been linked.

Mr. President there's not much new of my making any long speech. I think you've heard quite a bit of rhetoric over it already. And it reminds me of a little girl in a trunk a few years ago, in Jamaica, when I apologized to her for having to remove a temper at credit for machinery from Haiti or others, because of the Haitians going on strike. She said no big thing, nothing to worry about. It's all big things, so I am strong with the motion. I support it Sir.

HON. W.M. O'NEILL: Mr. President and Members, I had no intention of prolonging this debate, of course the first part of the motion includes the Western Districts of which I represent one and. But as the Member mentions, that the medical clinics at Bodden Town be staffed with a duty nurse in accordance there, and that this be done within the next calendar thirty day period.

Now Mr. President I'm sure Members have heard a lot about what the service was in the Eastern District twenty and twenty five years ago. I believe if anybody on this Chamber can speak of personal knowledge of the Services as was in those Districts I can, and I think I can say so without any contradiction that the service we are getting today is by far better than what we have ever had. I remember the day when we had the nurse in Cayman Town that was employed for the Eastern Districts, but having one person in Bodden Town and there was a call in Savannah - it's not the first time that I've gone to Bodden Town to look for that nurse, and I found myself standing up in George Town taking a private nurse from there. I can tell the Clerk, and I can tell the Gentlemen when this has occurred.

Now it is true that I'm not against Eden Town's clinic being staffed; I think if we have a clinic in Bodden Town it should be staffed. But the emphasis that has ever placed on the service by the Eastern Districts, I do not think that by staffing ... Bodden Town clinic will add much to our benefit as East End and North Side. Because we have to send to Bodden Town, and there's no guarantee that the nurse is going to be at the clinic twenty four hours a day, and once a passed is in a car already the usual thing is to drive on by the hospital. This has been the common occurrence, and I think that this is the reason why the medical Department has been so anxious, and why the Member has been going overboard to get duty clinics in East End and in North Side. Surely that by his own words or the nurses or these nurses that may be the case, West Bay is a very large district, and I am not jealous if any district has a good service, I would like every district in this Island to have very good service, but of course I think the Member was a bit misinformed when he said that the doctor only has to go to West Bay once a week, and he has to go to Bodden Town three times. I think now it's seven days: first was in West End, one in Seven Mile, and one in North Side. So of the three days, the doctor

Mrs. M.M. [illegible] ...ctors are in East End, one in Belize Town, and the Sixth St... and he also goes to West End days. As I was told, and I do not at present know the situation. In the Western Districts is not any nurse from a regular point of view than it was twenty five years ago, even though the population has increased. It is not simply that because the population has increased that the height of the pyramid is necessarily, I don't think that that holds truth altogether, and I am certain that the medical facilities, which is being provided now is much better than what was provided those twenty or twenty five years ago. And again I should take issue with the point, that when we had one doctor we got better service. I'm not here to grind any axes for the members, but if I have heard correctly in this morning's address by His Excellency the Governor, it was stated that in 1974 over one thousand four hundred patients were admitted to the hospital in George Town, and over forty thousand out-patients were treated. Would somebody get a check book and see twenty or twenty five years ago how many people were admitted, how many were treated. We cannot be making and staying in our senseless, as I see, today, that we have made great strides in our medical development in these islands, and I hope that it continues, and I'm sure it will continue under the careful and well planned programme that has been put into.

Now surely Members it seems to be unfair at this stage of the game to bring a motion demanding that a nurse be stationed at the Belize Town clinic within thirty days, when there has been no evidence adduced this morning that there are nurses available to locate with. Secondly I do not see whether the establishment in our present year's estimates has ever granted for this additional duty. I am not sure whether the financial provisions were made. But last but not least, nurses I'm sure are in great demand. I heard from the Speaker that there is a nurse a well qualified nurse who doesn't have a work permit, but is doing secretarial work. May be this person could be brought. May be this person may be available. I don't know. But surely what we should not be [illegible] demand in the face of the situation as presented by the Minister responsible for Medical Services, I think it would be unfair, and while as he said he has no great objection to the Resolution. As far as the Association stood, he could not support it, and surely he is in a much better position. Into any of us in knowing the physical means of putting this in action. And I would have thought that the agreement as attained by him coincides very much with the last statement made by the mover of this Resolution, when he said, and that this be done soon-ly. If the Minister has given the assurance that this will be done, and certainly the Member one can't at least, he has been communicating, he knows the availability of the nurses, he knows the programme, and he has given the assurance that there will be a nurse stationed at the Belize Town clinic in a very short time. I take it that to put a motion, and to approve a motion here demanding specific time on placing a nurse is too much a great command, because it might not be physically possible as we do. We have to be considerate, and we have to be reasonable. I feel like the emphasis placed on the lack of the service has not been altogether justified because it is a service as the present time, and the service I can assure you even though a nurse was stationed there twenty five years ago. The service that we have I say is much advanced, even though that particular person had a wonderful job, but it would be humanly impossible for one person to take care of all of those three districts at the same time.

I support the amendment that has been moved by the Honourable Member, and I would hope that Members view this in the same light as I do.

Mr. John Smith: Mr. Assistant I rise to speak on this matter. I for one want to come and inform that medical services in these islands have greatly improved. I feel that there is a need in the various districts for persons where simple out patient basis, and persons necessarily doesn't have to go to the hospital, certainly this takes a load off of our present

Mr. John ANTHONY (COOKI'bi):Hospital. Hon Mr. President when we look back in the years of the past, and say that the services are not as good, we wouldn't be able to justify that kind of claim. I can remember in my short life, five years ago when we had one doctor on the island, some time the doctor would be at West End yesterday, and people used to phone him in West Bay or George Town that particular day. But sometimes it was two or three days before the doctor could get around to the various wards, well I'm saying that the medical services have improved. I unconditionally agree with the member on the first item I believe that there is an urgent need to see that at least one doctor at the hospital is made available to call. Certainly we could look on the other side and say well even that particular side of it is for the better off, because at least there are private doctors that are available to people at present. Mr. Mr. President I don't want any misunderstanding with the ladies at the hospital that they can't be disciplined, and in special instances these doctors would go on call to the particular places. I don't believe that we can shut up anybody, and I don't believe anybody brought to this territory must prior ...ept the fact that doctors are to shut themselves away in any cell, and be able to say exactly what they will do, and what they won't do. But I believe that proper care exist in this has been exercised.

I know of a case lately this year when I needed the doctor, and I didn't feel the person was in a position to go to the hospital. I called the doctor, and that was Monday, I got in touch with the doctor I spoke to see his contingency if possible to be able to obtain the service of a doctor to our district. In the case where a lady was quite sick. And within a period of fifteen to twenty minutes I was able to get that doctor at the Town Hall and take him to the place where I wanted him to go. I'm saying all that to say this, that things seem to move as fast as they use to me. The medical services are being improved, the health of the island is being look after, I think the concern is being on the patients, the various visits to the dispensary, all add , to the fact that the people are getting the best medical care they've ever obtain in these islands.

I suggest now that when we build clinics, certainly they should be staffed. Of course the point arise is that a lot of times these people can't available. Well, if I was the one doing the action , as far as I'm concerned I would say that if I can I would ... moreover I would say I would suppose. The least that a nurse be made available in the clinic until such time as a fully qualified nurse was able to take up residence. In other words, as far as I am concerned once the services was needed, well we take the best we have until we can get the better. But the idea of being shut up for any thirty days, I don't believe I want to say that. But I want to say this, I believe that every case and every thought and every effort must be made to be able to see that this service is provided.

I recall today yesterday when I was elected as a representative for the district of West Bay, and even though I was elected by the people of West Bay, you know I sit on this Chamber and began to debate any bill in this House, I was not only thinking of the people of West Bay but I was thinking of the people of the Cayman Islands, and the legislations that we have passed are legislations that will be as effective in West Bay or Town and in North Side or the other Islands, I emphasize that on this territory. So Mr. President I very much feel that every effort should be made to staff this place as fully as possible and to make sure that there are no suffering. And I want to also say that I am proud that a good beginning has been made in the medical field, and I'm looking forward to even more improved services. Thank you very much.

MR. SPEAKER: Does the Honourable Lower Mica Dam wish to reply?

MR. S. PAUL BOUDREAU: Mr. President and Members of this House, the Yukon recognizes the relative in principle, but does not like the thirty day period. I [illegible] this morning, I like his statement but I'm not going along with it. Because there seems to be a lack of communication, when I say something it is not understood, and when I understand something it is not what they meant. So [illegible] this kind of communication I have to put forward my motion. And since my time [illegible] story to illustrate the point of communication before, but as it is very relevant on this particular motion, I think I ought to repeat it.

We had the case with the man who came home and found a note saying his wife had left him, taking everything, this story will deal with our communication problem here. All that was left was his cat, and he took special care of it, but unfortunately he had to go off on a trip, he left his brother-in-law in charge of the cat. And when he was away he found out he would be [illegible] in his absence. So he called home and told his brother-in-law to take care of the cat, to [illegible] how the cat was. The brother-in-law said "your cat has died." The man said, "you mean to say the cat is dead and you [illegible] just like that." he said, "you'd you know I would the first day I called that the cat is on the roof, the second day I called, the cat fell off the roof, and they tried my medical infection out on me and I had to take him to the vet [illegible] say the cat is dead, but he's all history, tell me how is my mother." He said your mother is on the roof.

So when we say that this thing should be done, and should be done expeditiously, and as far as time limit, the thirty days does not really mean anything. All that is trying to do is to fix a time in which this can be done. We had a classic example in the land development [illegible], that law should not function without a Development Plan, which should have come before this House within one year after the inception of the law. If my figures are correct, four years have passed and the Development Plan has not yet come.

MR. PERCIVAL: I think the Honourable Member is getting very far from the subject.

MR. SPEAKER ADDRESSES (Inaudible) and I'm just saying Mr. President that the thirty day period need not worry the Member, because if he cannot comply with this in thirty days, then I'm not precluding attached to it, he could come another thirty days, and another thirty days. But if we remove the thirty days we would have taken the teeth out of the legislation, because we have been told in many occasions that it is government's intention to staff the clinic at Rodder Town. What we are really seeing is what they look at in law.

I will not amend the motion, it doesn't seem worthwhile bringing a technical item forward. If the motion is worth bringing, it is worth bringing as forcibly as we can bring it. Any member who wants to make it will have to think up some other reason other than the thirty day period. The motion has been examined by the Member responsible for health, that we do have one case, two why the word will ever [illegible] matter. This thing has been examined, it has been examined so that they get the mandate, and this is all I want. Whether the votes go 'Aye' or they go 'Nay', it really does not matter.

The Member in Executive Council from Tes-Tes told us that no provision has been [illegible] that a nurse is available. I wonder if we should not believe the Member responsible for health, who said that a nurse is available, a nurse who is now on leave, and a nurse that can be approached right away to fill in [illegible] particular assignment. So it is not right for a Member to say that as evidence has not been [illegible], we didn't have the evidence but it was expressly advised by the Member for

MR. [illegible] (CONT'D): question. The [illegible] arguments against this motion are very hollow indeed. The Member for English talked about the working of prosperous societies, and how that would reduce the cost for a nurse at the clinic in Bodden Town. But he didn't tell us why it didn't reduce the need, or eliminate the need for two nurses in West Bay. He also could not tell us why there is a need for a full time service in West Bay, and not in Bodden Town. Here again a matter of communication. Are there in the wrong? I would like to answer no. And that is that I did not say that Thursday was the only day, or that the visits were quick. Yeah. I will have [illegible] schedule, as I told a lot myself on the basis that when I bring a motion I do the home-work before I bring the motion.

Mr. [illegible] that needs to be clarified is this of personally approaching a Member to get something done. There is only one word I can tell the Hon. Member from Bodden Town with another man, our communication system in government is so bad, that he can't pass on the letter. A stranger would [illegible] it be possible the wrong letter. Mr. President, Members the motion is asking for the proper station on a full time basis. I do [illegible] clinic in Bodden Town, and I would ask the support of [illegible] a [illegible] vote.

[illegible] Hon. Miss Lucy Ann Bodden. YES.

HON. [illegible] Could we have a division on this one.

DIVISION

AYES	NOES
Miss Annie M. Bodden	Hon. D.O. Watler
Mr. Gloppa Mi	Hon. Geo. Huddington
Mr. Jacob M. Bodden	Hon. Truman Bodden
Mr. A. Haig Bodden	Hon. B.H. Banks
Mr. Greenwood Banks	Hon. Wm. Conolly
Capt. W.A. Ward	

6 5

MR. JOHN JEFFERSON Approached from Chamber

MR. PRESIDENT: The result of the division is 6 votes in favour and 5 votes against. Therefore the question that the words of the question stand as in the original motion is carried.

QUESTION PUT: AYES AND NOES. AYES

MR. PRESIDENT: At this point I'll suspend the sitting until half past two this afternoon.

[illegible]
[illegible]

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

MR. JAMES P. BODDEN: Mr. President, Honourable Members of this House, the last order of Business that we were in a debate which I have placed before this Honourable House, which is being seconded by my colleague from the Bodden Town district. In bringing this motion to the House we are not in any sense of the word trying to become socialists.

MR. JOHN M. MCKAY (UNITE): Because we will recognize the fact that movies should be legislated. But we must remember the country as a whole does look to the Members of this Assembly for guidance. We wish to make it quite plain that this motion was placed before the House several months ago. At that time due to the lack of time of this particular meeting, we requested that we should withdraw this motion.

The past Governor of this Island, when we made a presentation to him at almost six months ago, was very much against anything being done in regards to the change of the Cinematographic Law. His idea was, and was quite forcibly put to us that just because a film was being shown a person didn't have to go and see it. That argument in my estimation bears but very little of an ass, because if we pursue that fashion we can easily see with that reasoning we ought not ever need a drug law, because most people believe that it is not necessary to resort to the use of drugs. But we must remember that what is good for a country that has a lot of entertainment to offer these people cannot really be good for a small island like this. And there's very little entertainment so we will have to do our very best to see that we give the people the best that can be given them.

The public at large has shown very much interest in the past few weeks over the type of films particularly by the racial type of films that are being shown in this Island. These are the things which in our estimation can really be of much more hurt to the country than even let's say a war time. Because for centuries this Island has enjoyed a way of living which people throughout the entire world have envied from us, in wishing that they had such a system. It has always been strictly on merits of the individual concerned. There is no doubt in my mind but that this particular law does need some change. Under the present system if you should wish to make a complaint against a particular movie in a film, as the Censor Film the person would first have to carry himself as a private individual before a Justice of the Peace, there lodge a complaint, and have it go to the course. Even then, human minds differ, and the judge in the particular case might readily determine that the picture is not of an obscene nature, which would the person who has carried the complaint is then liable to a civil action in the courts which conceivably could go against him and cost him a lot of money. But this during the Throne Speech was delivered to us, and in the Throne Speech at the back of it we have a long list of pending laws that will be coming before this House for debate. We noticed that in the next meeting of this House, which will probably be within the next three months, we have on the agenda the Entertainment Bill, and I imagine at that time this bill will be thoroughly debated. I am quite willing at this time to entertain a counter motion to your proposition that a committee be set up to report back to this House on the next sitting, when we deal with this particular bill. So with that submission I will sit down and handle the rest of the debate at that stage. Thank you very much. But before I do that, I would like to direct the intelligence of this House to other information in the form of the assembly the petitions which has been circulated to us with various names objecting to the type of films that are being shown. Thank you.

HON. D.V. WATLER: Mr. President is this motion seconded?

HON. L. EARL BODDIE: Mr. President I second it.

HON. D.V. WATLER: Mr. President and Honourable Members, I don't want to take away from this motion time to debate but to say that the films that are being shown here, we have no means of censoring at this time, but we depend on personal ratings of these films. But I know that it is a matter that is of great concern to Members. Perhaps it is that I could start to close this Resolution in the way, not to make any[illegible], but to shorten it possible, and that is to amend the Resolve section to read:

MRS. [illegible] WALKER (RETIRED): ...or it preserved that a Committee be set up to consider this problem, and treat it with urgency, consisting of four Members of the Legislature, possibly with powers to call for persons and papers, and to report back to the Legislative Assembly with findings and suggestions for any changes that are considered necessary and that these Members form the quorum.

The motion was that they select three, and that four form the quorum, this however you made plain. At the same time you wanted the Attorney-General as Chairman of this, but in this case the members of this Committee if they set on this would be able to bring forward any suggestion they wanted. The Attorney-General is our legal adviser, and it's only once you have decided what you want then the Legal Department comes into play to be able to put it into law for you, and to be able to give you a wider scope by leaving the Attorney-General off, and giving you full use for your Committee to go in for sitting and to report for quorum and papers, and bring forward a report as soon as possible. Thank you. Mr. President I beg to move that resolution.

MRS. G.T. WARD-JONES: I beg to second that motion.

MR. PRESIDENT: I wonder if Mr. Clerk could read out the motion as amended, so that the House is aware of the exact wording.

CLERK: BE IT RESOLVED that a Committee be set up to consider this problem, and treat it with urgency consisting of four Members of the Legislative Assembly with powers to call for persons and papers, and to report back to the Legislative Assembly its findings and suggestions for any changes that are considered necessary. Those Members to form a quorum.

MR. PRESIDENT: We should take the debate on the original motion and the amendment together, and the mover of the original motion will have the right to reply; the mover to the amendment or anyone does not have the right to reply. Debate may now ensue.

HON. ARNOLD M. BROOKS: Mr. President and Members of this House - too bad left a Resolution with the Clerk in Our name office, only thing I was to say that my Resolution was much broader. But I was informed that the Resolution which had already been out to the House would come up at this Session, and then my Resolution could be withdrawn.

Now Mr. President I am not sure, I am I am trying my best to be a good Christian Anglican woman, and I never attain to that stage in this age. All my life, I've tried to live right, and I feel that we are supposedly a Christian nation and that we should act as such. Am I actually right? There do not appeal to me, I genuinely truthful y say that I've read I pursue about Circumcision the actuality, I go to sleep. What wakes me up is the knocking of other people waking up, and I have to leave. I have a ... we have pictures and I must tell you that the language that I heard there would be language that would hurt the ears of such obscene language before the court, and they would stand 9/0 or went to jail. Now I do not feel that we should really tolerate this kind of thing, and I feel that if we are Christians, We'll continue the blaming for it, because the ministers, the Priests, the Ordinands do not take the stand against it as that they should.

MISS MARY H. NORRIS (CONTD.) How by resolution it is not in any manner six acid;

> WHEREAS the Cinematography Law Chapter 10 appears to be defective in some respects, inasmuch as cinematographic films of a blasphemous, seditious and/or obscene nature are finding their way into the Cayman Islands and seen in the various theatres or cinemas in the Cayman Islands;
>
> AND WHEREAS according to the Law cited, any person who exhibits any exhibition or pictures of moral effects of a blasphemous seditious or obscene nature shall be guilty of an offence, and should be liable on summary conviction before the Magistrate to a fine not exceeding fifty pounds, ($100.00) or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
>
> AND WHEREAS it is public knowledge that such pictures are now being shown in various theatres and/or cinemas.
>
> AND WHEREAS complaints have been made concerning the degree of effects; the only exception being that the law is too antiquated.
>
> AND WHEREAS it is high time that such shows or pictures be stopped.
>
> BE IT RESOLVED that this Honourable Legislative Assembly do advise the present Law, if it is inadequate to take care of the situation; so that all obscene pictures, using obscene language, social problems, blasphemous, seditious matters shall be banned, and not allowed to be shown in any theatre or picture house in the Cayman Islands in the future.

Now I have spoken to very eminent lawyers and barristers also across sea, in that our law should have taken care of the situation as now exists. But if government feels that the law is antiquated, out of date, needs revision, I will go along that this should be done. Now our Island is progressing wonderfully financially but our morals are at its lowest ebb, and I'm saying this with grave grave grave feeling that we must try to uplift the moral standards of the Islands. And pictures of the nature that I understand are being shown will certainly put our younger generation to the Pitch of the earth.

Now personally I will not see any of these pictures, because I have made a vow the only thing will carry me back to the cinema is if my mother and pastor were there in the flesh, and their pictures, and of course they will never happen, so I cannot fear going. But I feel we do have this thing with God people, the pictures mustn't walk to the people, the people walk to them. But in this day and age when the increase, and as we who profess to know better, if we wrangle with that, if we obstain from doing what is right we are equally responsible. I heard only this morning that a set of murder supposedly committed at West Bay, that it was so sad as they had seen it a short while before that. I don't know because I didn't go. I know this last picture shown in a certain theatre was according to people that I will accept and all of the world, one of the most obnoxious pictures they had ever seen. And I say it, now that our morals are going down, people rather be wrong than right, and it's up to us now to suppress this evil. I feel Sir that we would be failing our duty if we allowed such pictures to be shown. I understand it's only those kind that attract our crowds, well

REP. KEITH H. FAIRCLOTH: I don't know how we are here the night before, that only we are I will it did be allowed by Thursday.

And about these racial pictures, I'm informed by people who go to these places that the racial pictures that was shown are even far worse in effect on the community than these immoral ones. I understand since this began that women have been running a racket, and it will continue till Doomsday. But nevertheless I don't think children should be exposed to such vicious as I understand are being shown.

Now this week Mr. President I had a visitation from a lady who came to my office with a nineteen year old newborn girl, who lodged a complaint on me that she had taken her daughter to the beach, and he had informed her that she was a person a mother was like at the ocean, the protective father being a protective boy. I said lady what do you intend me to do about it? I said you know when I was nineteen years old I didn't even know how outside after dark spoke, much less to be running around with boys. She also said that she was informed her she should supply her daughter with pills. I said lady are you not ashamed of yourself, encouraging your daughter in sin, that's all it amounts to. I said even you're talking about the pill of years ago, those pills you're referring to I don't know it, they might even like you. You smoke dope or what, but in any case I would endorse you to buy one before your daughter ever virtues. Let her go to Sunday School. I did promise her to write to the Wall Light, which I don't think I will do.

Now Mr. President it is time we stand up for morals for integrity, except this generation of hippie which seem to be flourishing the world with sin and iniquity. I urge you to remember of this legislative assembly to every [illegible] not for, morals put in a place where people know to follow sin. Think. I know we have this week that you never legislate for personal acts, I agree, but at least you can not encourage. According to the press you don't need laws for anything but everything I know of has to be governed by a certain set of laws and rules and I feel that the Lawmaker would be any exception to the rules. I applaud members if they should for not to have a question who know nothing but unreasonably to stand up now. I may respectfully say Sir that's why the National Council of Negro Services cannot get off the ground, because on one hand we are providing what is necessary as aid for the country on the other hand we're dragging that down, and it won't never get off the ground until we do better and set better examples. Thank you Sir.

REP. [illegible]: Mr. President, I'm not going to speak on the motion, but I'm a bit lost at what we are now in. But I heard something about a petition to be recorded, I don't know whether that has been properly put before the House, because we had another petition that I'm not sure, should notice be the one, I don't know ...

MR. PRESIDENT: There's a motion and no procedure before the House, no motion has been put on another substitute motion.

REP. JOHN H. BOOTH: On a point of order Sir I was just reading what I had to present, not what I was trying to present.

MR. PRESIDENT: Mr. I'm sure I thought.

REP. W. H. [illegible]: Well, I heard something about a petition to be recorded, I don't know where we are on that score but. I don't know where I am now Sir.

MR. JAMES H. [illegible]: Mr. President there's very little bit I can say because it's really not a point of order, but being the newest on this motion I wonder if I could enlighten my friend just a little bit Sir.

MR. PRESIDENT: I don't think it's necessary, that regards to be a petition has been handed to the Clerk, it will have to be checked in accordance to standing Orders, any of it is accessible, then it should not be

MR. PRESIDENT (Inaudible) should subsequently that at the on the Table, or that it be debated in the usual way. But I'm not going to deal with it as a petition in the nature of this debate.

Col. JAMES M. BODDEN: Mr. President, I'd just like to clarify one point, sir. When I put these into petition I spoke the indulgence of the House, I did not refer back to the Standing Orders which would have covered this as a petition. I was merely sort of entering them as a reference material, sir. I hope that'll clear the point as far as my benighted friend on the other side is concerned.

MR. PRESIDENT: Right, to clarify matters, we're now debating the substantive motion, and an amendment to the motion has been moved by the Honourable Chief Secretary, duly seconded, which has been read out by the Clerk. That is what we're debating now.

MR. ANDY TERRYSON: Mr. President, Honourable Members of this Legislative Assembly, I rise today in support of a motion being brought before this House. I quite will appreciate the proceeding of it, and let me go on to say this. I feel as far as I'm concerned as an elected representative of the people of these islands that when it comes to issues where as far as I'm concerned they are moral issues, I have no allegiance to other to anybody. I feel that first I have an obligation to my country, to my God, and to my people, and to myself. I look that is our system nowadays the feeling that is very wide y circulated is that we create legislate for the wants of people. And this I agree to to a point, but as far as I'm concerned I have an obligation to my people and to myself, and that is to make sure that as much as humanly possible we make it as easy as possible for them to do the right, and as difficult as possible for us to do the wrong.

The feelings among the modern societies today says that we cannot set ourselves up as judges to say what shall are what shall not be done or done in any modern society. But I think up until now Mr. President we know that aspect of us being a separate people, in that some areas that we are different. I feel that as far as I'm concerned that where we're at today because we are different. I believe that as far as we are concerned as legislators, that when there are problems created in this country, it certainly is our responsibility to try to solve a solution to these problems. Therefore if we're responsible to do all to bring solutions then we are doubly obliged to be able to prevent certain things from taking place which can create and cause other grievous problems in our society.

Now I'm sure that no member in this House but any one will be able to say as far as I'm concerned truthfully that there's ever any legislation brought before this House that I have dealt with it on any personal return, I never have done that. I've tried to be fair in every respect, I've tried to be unbiase, I've tried to see things for what it's worth, I might not agree with other people, but I feel I'm entitled to be able to speak my own conscience, and I am certainly entitled to be able to say what I think is wrong and isn't wrong.

Now last week there was a certain picture brought to these Islands, a picture that has been banned in other territories, and certainly a picture that has been banned in our society. Yet we say this without any contention here, I said Mr. President that my problem that has to arise; or that kind of filth and dirty show, I don't believe the people of the Cayman Islands have to shove on that kind of filth. The embarrassment in a very honourly way or try to bring about a solution to this at hand, we embarrassed many citizens of the Islands and other people, and we saw the showing of this film, no doubt one or two and a half hours, under the most extreme circumstances. After the showing there was a discussion between persons who are the gatekeeper responsible for showing it. We felt the area lacking, very good that screening has been accomplished, and I said it is the very best manner, and that it goes to show that we could ever succeed in whatever a difference there does or if proper representation

MR. TOM JEFFERSON (CONT'D)...were wrong, if we could just assure that people in responsible positions would choose and no doubt have up time. Well much to our disappointment we were made to know that the picture was called that particular night, and just because we don't at the time that it was a hard task, we were in a position to do an affidavit in the court that it waited until Friday night. Saturday there's no court anyway, Sunday there's no court anyway or Monday and Monday it would be high and by Tuesday it would be off the island. I'm saying that there is a need for censorship on these islands, I'm saying that we as policymakers have a responsibility to our constituency in these islands. So let's not say what shall and what shall not be shown or heard or anything else, we must. I'm not being just one way about this, because I think there's other things also that we have to deal with in relation to the morals of our country.

I was glad Miss Mr. President as I said after the most unfortunate circumstances, as far as I'm concerned I was impressed when I thought of the fact that what our youth are going through today, the problems of drugs and other problems. And I felt like crying or think that in addition to all these other things our society is going to be exposed to this kind of things we're talking about it, as far as I'm concerned I feel very strong. I don't feel that the men that comes here and say that we cannot use ourselves up as judges, I'm saying that in certain instances we must be judges because we are elected representatives of the people, and it must be our responsibility to look at the what comes into this territory, and to see the net result that it leaves on the people behind.

I am sure that if such a thing was here, and if people come to this territory from television or anywhere else, and see, that we set ourselves up as judges to say what they shall and shall not. I don't have any apologies to offer to anybody about that. I think we should be able to set ourselves up as judges in certain instances; and I'm saying that in an instance like this that there must be better screening. There must be a board set up that is able to keep tab of films that are coming into these islands, that information can be passed on to the Cinematography Board. Certainly the moving pictures world must have a weak moment or things that they could show that would not be moralising. I know Mr. President that the trend on today regardless of where you're at is to display, and the demand may be push these places in through showing sex and violence, make no mistake about it, that's the trend of today. But if this is the trend it today as far as I am concerned then we'll have that not with my permission, and I will not be a party to taking it away for anybody to be able to experience these kind of things. I have no quarrels with people personally that bring this in. I'm saying as far as I'm concerned there are certain principles involved, and as far as I'm concerned I feel that I cannot come down, I cannot sit idly by when I feel these time principles involved, I must stand as many men must be counted.

Now I'm not playing politics with this bill, because as far as I'm concerned I think I've tried in my endeavour with God's help to live a good christian example, not only in my committments but wherever I have gone I must be consistent with that Mr. President, whether it's on this floor or anywhere else but particularly here because I have added responsibility to discharge to these people. The movie I saw in last week was the most immoral and degrading the most immoral and degrading I think that anyone could see being brought to the shores of my country. I was told that this film is a ban on these things there are a lot of people you won't be popular with, a lot of the public is saying you shouldn't be up there and saying we shouldn't see this and we shouldn't see that, because we're grown people. And this gentleman said we made sure that kids were't get in to see these things, but there's no guarantee of that Mr. President. The feeling was that once enough the strictest measures were taken, but I will give some kind of warning measures can you take in this particular place, it was not employed at all and after the positions were all taken up, kids were able to slip in to be around these places, and there were people that were able to say I saw children in that sins or movie. I'm saying that the Cinematography Board as far as I'm concerned, I believe has authority and could be quite effective and because I'm saying whenever there are controversial things about that the there should be able to sit down and see it. So far as they're concerned if they feel it's not to the betterment of this country, then they ought to ignore it all.

MR. JOHN JEFFERSON DOGGETT: Mr. President with the problems of youth that we have today, with the trend in the world today to be able to disregard God, to be able to exist in terms of the old concepts in Russia, this has just about destroyed all that was left for a man to hold on to. There have been principles. I believe there are things that we can give to our young people. I believe we must be able to try our endeavour and God helping us to see that we place in the hands of our youth everything possible to make it easy for them to do the things that are right, and as hard as possible to do the things that are wrong. Mind you I'm not saying that there isn't a tremendous amount and a great percentage of the problems that we have in these islands as anywhere else with youth are not problems that are inherited from their parents. I can't well agree with that. There are certainly a lot of agents in our country that are not doing their share as far as the morals are concerned. But they have their responsibility as President, and I have my responsibility, and I am saying that this movie must not come to our screens. I thank you very much.

MR. CLERK [illegible]: Mr. President and Honourable Members. I'll use the words "Get on with it" as a term that have been given to the island which I would say have lowered the standards of the morals of the people and the standard of living. But let us consider these pictures. They come here and they're rated. If you as a supervisor or a person read the publications, will you know well enough if it is rated from "B" rating or whatever rating it is, but you understand that this rating is not a picture for children to see, why you yourself would go if you cannot take your child with you. It is the picture itself, we have here issued an authority issued. I am a member of the Cinematography Board, quite a few complaints have come to me in regards to the showing of certain films. It's not a movie film, but what one shops to think of what is being shown is because the impression I'm getting is being sure by the industry.

If the authority has failed, let us put some teeth in the Act, let us see what else we can do. Censoring pictures I don't say would help, because it's not necessary in many countries in which they are originating from. I'm not in favour of immoral pictures, I'm not in favour of pictures which are crime, or anything that is obscene language. My point on the Clerk's desk also obscene language, that is shown in some pictures in this island and nothing done about it. Where is our police force? What are they doing? The authority is given, action should be taking place from [redacted] about it authority, and this is the trouble. And the accusation of pictures is quite alright, I am sure of it. Be that as not point to have a censorship board for pictures - Grand Cayman. If they wanted to let us have it, and put it in this place, what if Sam Sharpe Square like it has been made and is being made.

So much has been said about the Opera of movies in general. It is quite true as I've stated before they are rated, as read the paper, it is published in the paper. If you know it's a vulgar picture don't take your child, don't go yourself. But I expect the authority to censor it when there is so low about the audacity to censor your pictures. We know that's the issue when the pictures are shown if you complain about it, the law rests with you by taking you before the Justice of the Peace and have both projection operator and everything suspended from showing pictures. It is there in the statute books, why should here not enforce it rather than the law as already made.

Speaking on censorship. I'm sure we will be all

MR. [illegible] (COOKE): [illegible] problems. When pictures arriving from the Island are on a direct basis, I'm not a fan, but I agree, they have to pay for them on arrival basis. Even the minute that they receive an item before you are labelled with it, the operator is entitled with the person, to have to pay for it. Before you can take that picture to a censor board before it's being shown look how much money would be involved. What would it cost you then to go into a picture hall and see a nice picture? How would it cost you? I'm not in favour of bad pictures being shown here with obscene language. Everyday on the streets I hear words being used, and very often you being invited into court for using those words.

I intend to see the picture that was shown a few days ago. I was invited to see it, I think you, as I was. I'm not a fan. But on the other hand, I would not like the way of my relatives, as any friend of mine to have attended that picture, and seen what had been shown.

Mr. President in the Executive section of this nation has already spoke for a committee to be set up to examine this problem. This problem has been considered seriously, and no conclusion has been arrived at. I agree that there should be a committee to go into the importation of certain films in this island. I thank you Sir.

CAPT. [illegible] (SEN): Mr. President and Honourable Members of this House, I support this motion as has been put forward by the Honourable First Official Member. Had I been charging for Sweden, I would have said that this House appoints as a censorship board. I don't think it's going to bring any hardship or thing of value, I don't think it's going to drain the resources on it to do so. I know it several men, including myself would be willing to sit there free of charge. That is the line for me as an optimist. The whole world is in the worst condition, the worse state of affair it has ever been in from war or all kinds, as I've [illegible] watch America the great country to the north of us, my friends over there, they have portrayed themselves as a violent nation in moving pictures from the time of the inception, and at the inception of talkies [illegible]. Right now I don't remember when moving pictures came in, I believe it is. But in 1927 the talking pictures came in vogue, and they portrayed themselves as the most violent people, and it has been worse, and worse and with talking pictures, with the television it has been added and compounded, and now they are paying for it. The same thing happened in Jamaica and in Trinidad, and in the last four or five years American bandit pictures. Some of the smartest most hard boiled businessmen of the community got up and spoke about it. All over the churches, the businessmen, Chamber of Commerce, everybody and they have always had a censorship board. Why shouldn't we have one? Why should we let these people come here and bring pictures to this country to demoralize the place. I can tell you Sir, I went to see "Shade of Kilos" with my good wife, and as the picture started - she walked out, but I stayed and I saw it, because I wanted to see what I was talking about, I come this thing would come to my hand. And I heard words, I heard language in that house that night that made me embarrassed. I would have been far more embarrassed had she been sitting beside me. But she walked out on it and went over to my friend next door, and stayed there. If any man in this Island had sat up in the city of George Town, and used that language, my dear sir, I'm sure would have called the Police or [illegible] the premises. I'm fifty-one years of age Sir, I'm a mason, I've been a soldier for [illegible] years, and I've been around, I've been all over the world, I've seen life and I know what life is. But I say, when you sit down in a picture with your wife, you don't want to hear that language, and that's the moral side of it.

Court, A.A. Hall (CONT'D): Now the fire that burned as well Mr. President is the black and white side of that flag. We know what black and white has caused, we know what black power has caused in this Caribbean and in America, it scarred them first. It has pulled all of them, and we certainly don't want it here. I see in these pictures that might men holding up their fists like that, black man, and you know what that means, that's the beating of things. The minute you see a picture where white and black are involved, and the black is fighting the white man, it's the lesson that they're learning. These things couldn't bother somebody of good sound mind, it's like communism, it wouldn't be a good idea for a communist coming to me to preach communism to me, and get me to agree with Cayman for instance, to get me to rock the establishment. He knows that well I wouldn't have anything to do with it. But there are people whose minds are not matured enough to take that kind of thing. It's like when the IRP told them we were going to give them everything, thousands of people believed it, that they could get things for nothing. And there's a lot of people who believe in Bolshies, and I say that we do not want that again to see black power pictures shown in this country. And we are getting immoral fast enough, we do not want to encourage it at the school. Don't tell me it hasn't got its effects, because every youngster in this world at nine years of his life between nine and twelve and thirteen is an impressionable age, and the things he or she sees on that screen are registered, and indelible in their minds. And whatever they see happening in America, they say well we can do it too.

There's no use of my wasting too much time of the House and going on with a million words in a half hour - a rhetoric over it. I say it is time for us not just vote, not even, but now to stop it. Those pictures have no relevance to this country, they do not belong in this country. We are blessed, very blessed indeed that we are about the only island in the Caribbean, perhaps Trinidad Dukes Island, which is so vast and so powerful that they can't do anything one way or the other. But we're about the only one with some affluence who can say, well we are free of violence, and we have no social problems. So why should we not in some hurry, we should think and think deeply, and take care that we do everything to ensure this country of the right course. And Sir that is one of the things I came back to give this country the last years of my life, to see if we can anything I could do to help to it. And wherever mentally can we face the country I owe back to the one that gave me birth, and not only me, and of the best sons of Jamaica have ran from that country, because of violence, and it is a pathetic story.

There are a few men in this Chamber today who realise how bad it is, but I lived with it since 1950, and I know what it means. Not even some of the Jamaicans who are here realise what it is like today. I know that communism is a result of some of it, but don't forget that black power in Jamaica is chiefly the cause of trouble in Jamaica today, and the cause of trouble in the Bahamas; they started it. I was in the Bahamas when they were there preaching it. I was at the Ahuri one day in Nassau when I heard some American tourist preaching black power to the people. And I happen to know that there're some Jamaicans in this country who have said to the people what they hear of this violence, so these, you see that's what happens because we use the Queen up there, that's what you fellows ought to have, become the Queen." So let us won't be too complacent, and let us don't encourage it from our end very, very little please. Don't let us encourage the black power to come to this country via the very little kind of amusement we have, there's. Decent pictures being shown and we should see them. And Russell Graham in America has no right to discuss us, he cannot tell us that this is what you get, and this is what you must show, tell him to jump in the lake. I have never in public in my life ever run anyone as I am over this one. And I say that we should set up a board, every other island in the Caribbean is under has got a board of censorship. That may be young to say but this little country with many Bahamian thousand people or so pictures when we know we can control it. I know we can control it, we are only

CAPT. A.A. REED (Cle'lum): ...want to get the guts to do it, and to any to...you see Monty, get out - that's all. But if everybody is going to say...we don't want to hurt Captain R. and So's feelings, we don't want to hurt Mr. So and So, we don't hurt him I said so. But that's not me, I can by 75 amendment is necessary. And I say that that type of picture must end. And it must end and not next week, next today. Thank you Sir.

DEL COURTNEY EBERTS: Mr. President and honourable Members, this motion is as straightforward, and I am not going to take but a few brief seconds as it were. To the best of my knowledge I never had any part during my years dealing with laws in the Assembly, to try to bring a law where we could against the morals of people, and it's not going to attempt that. Look if we were to search our law books, our library, we would find that a lot of our laws stand to say we don't permit this, or we don't permit that. Any man or woman in this country got his free will to go and get drunk if they want, nobody can stop them that's their privilege. But if when you go a little too far with your drunkenness in to deal with. We got some laws prohibiting the importation of a lot of things to this country. We don't have any law to illegally keep anyone from bringing it in, but when they're caught, it's the law then to deal with them.

Now this motion is asking that consideration should be given to try to control the showing of films in the Island - or unhealthy ones we would say. It's the right and the privilege of a man or a woman at age to see or look at what they want or look at, but it doesn't stop there. What we're striving for, even though we get a lot of men and women who will not look or put themselves in a place to see a lot of these things, and they're for their being christians, but they do feel that even at adult age that certain things may have effect on whole people as well. If the morals of the people of country are lowered, and the lower the morals get the lower the country goes. And if we are not going to protect children, the youth of today that we so often refer to as "the men and women of tomorrow," then if we're not going to try to protect their way of life, against the morals that would deny them even before they get to the age of tomorrow, then where will we all end up at tomorrow? It's no reason that some of these films cannot be controlled from being brought in. Some people are always using ingenuity to grasp at things that are bad, things that are not good, and it's with regret that so much of our youth - our parents are to be blamed.

A fellow said to me about the...one day, he said, "do you know if my boy got on the bus this morning." I said I couldn't answer, because in the rush sometimes you might not identify - a boy twelve years probably of age now. He said, "he never came home last night." so he didn't even know if he was living the next day. I saw a boy twelve years of age in the Court there a few days ago giving evidence, going home at o'clock, his mother got in some trouble, she's drinking beer - going to school, no. Then it isn't time for us to do something about these organizations with liquor and pictures that are dragging the youth, not the old people like myself, we have already got on the other side of the river, the bridge. But then if we want the Island to remain as a part of what it used to be, then let's do something to protect the youth of tomorrow.

Mr. President, I don't think I should say more on this or this time. I give my whole support that not just asking that we do something about this, I am saying Sir, we have to do something about it; we have to do something about it and it's now. And I trust that members will see that this is desperately needed. Not a law to cater with morals, we want something to protect our people against bad morals. Thank you Sir.

HON. R.N. CARROLL: Mr. President and Members, I'll be very brief on this matter.

MR. [illegible]: On a point of order, Mr. President, I think the gentleman has already used his opportunity to speak on this matter.

MR. [illegible]: I asked a question while I was in the Cabinet. I made no statement on the matter, Sir, [illegible] Honourable Member has the right to speak.

HON. R.N. CARROLL: Mr. President and Members, I'll be very brief in relation to my position on this matter, perhaps as I think we have agreement that has been proposed by the Joint Committee. The situation is such that there is no doubt in anyone's mind, it is a certain amount of feelings in the minds of people about the films that are being shown. Now none of this probably is not different persons, and I suppose that one has to see with the wishes of individual people, they have different opinions, different views or matters. It is just one point that I would like to make, and that is in relation to the age-limit that has been placed on the child's access of film. And today that if we have a situation in this island where children are being left alone to ramble all over the island, as is the case in West Bay or Bodden Town, or East End, without supervision or without permission, then it appears to me like we should be taking a different look at the matter. I feel we should come to grips with this problem, and we should put the responsibility to where it lies, and as far as the Government square them the shoulders of parents.

Now there's no doubt in my mind that this is happening somewhere out of hand here. Because if one drives the road in the evening time, or early night one can find children without being accosted by persons or groups who are going towards these cinemas and these theatres. And as I said, I don't think that even if some restriction was put on the Exhibitors of these films that the problem would end there. Because if children were allowed to go regardless they do such, the problem would have been solved, there will surely be another one springing up.

Now as I see the resolve section of this Resolution as it stands, I'm in favour of supporting the suggestion made by the Honourable First Official Member, in as much as this motion returns us in a bit restricted. If, and as I said I believe it is a very important point to us, I do feel like we should have a wide cross section of views on this, and to limit the number of persons to four persons from the general might be a little restrictive. I would think that the committee should be free to call for any number of people that they so wish, and I would support his suggestion, because to have four would be rather restrictive, and as has been suggested that the Honourable Attorney General as the Chairman. This again may be restrictive as far as the legal aspect is concerned, if we have four members from the Legislature, we can always solicit his services as legal advisor to the Committee, and naturally he's to inform us if legislation is to change. So I would still like leave these few words in saying that I do support the amendment as suggested by the Honourable First Official Member.

MR. SPEAKER: Does the Honourable Member wish to reply?

MR. CHARLES A. MORRIS: Mr. President I must admit that I am just as loud as my friend was a few minutes ago. Because it is not easy for this side of the House to receive new victories in our day. May be I'm counting on too much, because the vote has not yet been taken, but it appears that once more we have won. And I must sympathize with the other side because their faces do look very glum today.

Mr. President my submission will be very short, and I'd like to point out that it is not just one particular bill, or one particular instance, but it includes every one of them, and it includes many bills that have been taken to the past. I have heard many complaints by various sections of the community concerning this. We must realize that we are assembled here, not to support the interest of any particular group, we must be free to state our beliefs, whether in official number, father, child or whoever it may be. In regards to the office that we occupy, there must never be any personal gain to be attached to the position. But we must always be thinking of the common good for the people of this island, and that is why some of these motions are being brought.

I can quite agree that we are today living in a very permissive society, where we find that the parents of old are not existing anymore, and it is true that we suffer greatly from this, because kids are now doing things that fifty years old man did not do before. But that does not mean that the obligation is not on our shoulder Mr. President, because the way I view it, it's a grievous obligation, because just because we may have broken home that necessarily for some reason or the other a parent does not take care of his child, it does not mean that we should not be willing to assist home and legislate some that will help keep that child, and try to keep him from being enticed into a place like that, that he wants normally go; if it was hoping that any one would go to it.

Anyhow Mr. President this is a good time to show who will win it, and it is not necessary to speak much longer, and I will close the debate on this particular motion by thanking the members for their support. Thank you Sir.

QUESTION PUT THAT THE WORDS BE AND QUESTION DO STAND AS IN THE ORIGINAL MOTION AGREED.

QUESTION PUT ON THE AMENDED MOTION: AYES. THE MOTION WAS passed as AMENDED.

MR. PRESIDENT: Each motion is in the name of.....

HON. D.V. MAILATA: Mr. President would it be at this time now to appoint the Committee. Do we have to appoint that now?

MR. PRESIDENT: Certainly. If I can take suggestions from the floor.

HON. D.V. MAILATA: I would suggest that the mover of the original motion - First Elected Member from Rotuma have a number.

SECONDED BY HON'BLE NEMIA M. BULUKU

QUESTION PUT: AGREED

HON. D.V. MAILATA: I would think that the best would be for the members on the other side to be members of this committee, rather than any member of the Executive Council, as that you have freedom.

MR. JAMES H. BOOKER: I don't think I could agree with that Mr. President, because we back them up numerically. This Committee now is composed of two members from the Opposition, and two members from the Ruling Party Sir.

MR. PRESIDENT: I still will make nominations.

MR. JAMES H. BOOKER: I nominate Cayetano and Cattouse.

HON. WM. W. CROSBY: Mr. President I beg to decline Sir.

MR. JAMES H. BOOKER: Mr. President I nominate the Honourable First Official Member and the Honourable Second Official Member.

HON. D.V. WAITER: Well Mr. President, in view of what I said, I will have to decline, I'm sorry, because I do think it is better this other side.

MR. JAMES H. BOOKER: Mr. President I will respectfully decline.

MR. JAMES BRAIT: I don't think we're going to be very far with this tonight.

MR. JOHN MCKINNON: Mr. President I second that. Sold.

SECONDED BY Miss ANNIE E. BROOKS

MR. PRESIDENT: The Honourable Member from Pearl from Bonkon Town has withdrawn. Capt. Reid has been moved and seconded.

QUESTION PUT: AGREED.

CAPT. A.S. REID: Mr. President I nominate the Second Elected Member from Belize Town as one of the Members.

SECONDED BY HON. D.V. WAITER

QUESTION PUT: AGREED

Miss ANNIE H. BROOKS: I hereby beg to nominate Mr. John Goffeson as a Member of this Committee.

SECONDED BY Mr. JAMES BOOKER

HON. JAMES H. BROOKS: Mr. President at this time I nominate the Minister who cannot speak for himself, the Honourable First Member of Govt.

MR. PRESIDENT: We will take the Honourable John Goffeson first.

QUESTION PUT: AGREED.

MR. PRESIDENT: That gives us three Members - Two Honourable Nine Members of the Executive Council who have been nominated.

HON. D.V. WAITER: I don't think you will be a whole awkward in that the fact that he does operate a circus, you have to bear that in mind when you're nominating him. That is one reason I wouldn't think that it would be right for him to be.

MR. JAMES H. BOOKER: Mr. President I quite agree with that, but this matter applies to all of us, and I've been in a good mood all day. It

MR. JAMES M. BOLDEN (cont'd): ...just shows Mr. President how politics can be played in this House. This is a very controversial subject, my colleague and friend from Baldwin Town doesn't have to worry now or stand, he will speak out if it offends us, we lose [illegible] vote in the next election. But we were warned of this, and this is why I did not present my motion at the usual manner in which we usually do this morning. I am sure that Members wondered why I was so calm and cool and collective, it is because I had been forewarned what was going to happen, and that a vote all coming to this House was going to be this bill, and the House would have been put on this side of the House completely, and it is here and that work I am talk, Mr. President in the attitude I have shown patterned here this afternoon, in every member of the working party agreeing not to serve on this Committee, and just the Members of this House. As far as I'm concerned Sir, it's a ridiculous situation, and the Members who supported this motion, and voted on this Committee at this time, I would ask them at this time if they would withdraw themselves for standing for election on that Committee. Thank you Sir.

MR. JOHN JEFFERSON: Mr. President I move to nominate Miss Annie McCosh Bolden from Caroline town.

SECONDED BY REV. J.J. REID.

MISS ANNIE M. BOLDEN: Mr. President everybody knows I stand against these immoral pictures, and anything that is bad, and I don't know too much about moving pictures, but nevertheless I will not resign, I will do my duty, and I will serve. I thank you Sir.

[illegible] BOLDEN

MR. [illegible]: I might have your Members for this Committee but I'll take into account that the Honorable Member for Dorchester has said, and discuss with Executive Council whether there maybe an addition to the Committee.

We have now to the third motion on the vote of Miss Annie Bolden.

MISS JOHN H. BOLDEN: Mr. President and Members of this House, I beg to move the Resolution which stands in my name, and which is seconded by Mr. Jefferson from West Bay, and I shall read this.

WHEREAS it is public knowledge that boys and girls under the apparent age of 21 years, are being sold alcoholic liquors against the present Liquor Licensing Law

AND WHEREAS the consumption of alcohol is becoming a menace to society,

BE IT RESOLVED that Government take steps to have the Police Department increase its personnel premises at regular intervals in an effort to restrict this breach of the law;

NOW BE IT FURTHER RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in Public Rooms the proprietors have no license to sell to persons [illegible] and that in the George Town area steps be taken to stop this illegal distribution of liquor which is so very prevalent.

MR. JOHN JEFFERSON: I beg to second that motion Sir.

MISS JOHN H. BOLDEN: Mr. President, this subject of alcohol drinking of children I will call them under the age of twenty one years. It is causing everything that should be stopped. Now it's not the old staff children as we would term them, the children who have no moral background.

MISS DIXIE E. BROOKS (CONT'D) it is every person here it less it[this] pos-
sible who want it to be sensational.

Now I'm not a frequenter of dance halls, clubs
etc., but recently I have stretched my comfortable I would say, and gone
to a place where a certain entertainment was going on, and I was appalled
to see the children as well as the parents, boys of seventeen years old
I am very sure they cannot obtain beer with their beer bottle in
their hand, drinking, girls the same way. Now Mr. President this thing is
ridiculous. People say that it's the word 'apparent" that destroys the
law. Well I have always advocated it should not be "apparently," a person
who intends to drink should have some identification somewhere like etc.
We are faced now with drinking, it's becoming ridiculous, see school
girls, school boys drinking, beer as if it was sugar and water, what we had
to drink when we were young. When we drinking that beer in excess, they'd
certainly drink. They're getting saturated with liquor, plus the dope which
they are using, and our roads are death hazards. Now Mr. President I feel
it's time that we take a firm stand against this, and me I've said before
it's not what we would call the well off children who are doing this,
they're children from the most of the families in the Corner Islands. And
I say alike, they are alike socially. They have money to burn, and they're
drinking run like in wild abandon.

Now Mr. President I say that the Police
Department is not doing their job. I'm a severe critic of the police,
when they're doing wrong, I'm/one there when they do right. But I feel
that the police could do better than they are doing. And I would urge
that instructions steps be taken to put people on to inspect those places
where liquor is being sold, as in the case/instance this evil. When
there's illegal sale of alcoholic beverages, now that is known to the
public. If they are men and women enough to stand up and say we see
certain people selling liquor which we know are not licensed. I have
in my beautiful sweet district where I lived before which was a garrison,
I have a liquor store in the heart of it, and illegal distributors at the
back. Sometime I go / the girl me, I say well you please come and see
certain things that are going on, they'd stand by my gate, 'what you want
me to do?' I said what I want you to do, it's not what I want you to do,
it is what is your duty to do, and that is to go and stop this illegal
sale of alcohol.

Gambling is prevalent on Sundays and I'm
very sure I have a good full of dogs. If I had a five dollar bill and
those dogs could talk, as they used and say old I could send them and they
could buy a quart of rum, that's how serious it's becoming, and I feel
sir it's time that we take a stand. I have never drunk liquor in my
life, now it's not time I wouldn't have partook it if I wanted, but I have
promised my God that I will never defile my body, and praise His Holy
name, I've kept it up to date. And I have no intention of saying anything
that I know is wrong. And liquor drinking is as wrong as the desecration
of our sacred Sabbath day/ Sabbaths, and we condone it, we are just as
responsible. I heard a song on a record not too long ago about those who
crucified Christ, the Roman Soldiers, the Judgment Bars, they're just as responsible.

Well I am not saying, or say that we should
have a liquor free Island, because that would be taking it too far. What
I'm saying is this, that we must stop this illegal sale of alcohol, and we
must stop teenagers drinking it. Now parents I will agree they have no
control over their children, the majority they've allowed to run to see
me on the world, and they do all kinds of things. Now we also are
supposed to be leaders, I'm not too sure that all of us are just what
we should be either, we should try to correct some evil. I am saying
this any churches have failed, because I know Bishops in my church which
is the United Church our towns men would drink just as much liquor as
Jim Beam will when they got a chance. So that's not good enough, that
is not good enough. They think because they can buy tonic wine and carry

MISS CHRISTIAN (cont'd): ...to hear and think to, that I've never seen it, not even all our days. If I didn't believe that I would not [illegible] of things that perhaps would be more pain to me, but I live with my conscience. I know I must give an account of evil deeds, and in my brotherly hunger, and I feel sir that we must not ever let it be said of us that we have fallen down. Now I'm asking Sir that:

> BE IT RESOLVED that Government take steps to stop the illegal sale of alcoholic beverages in places where the perpetrators have no License to sell liquors (and I will name this not the Savage Town are) in the Cayman Islands steps should be taken to stop this illegal distribution of liquor which is so prevalent.

Now the other Resolve motion:

> That Government take steps to have the Police Department inspect on a discreet premises at regular intervals in an effort to increase their Breath of the Law.

Now Mr. Premier and I'm not going to criticise the person too severely, but I'm saying this, I had a case a short time ago and the accused said, "I was at a certain place, had a few beers, but the police were there drinking more than I did, and because I was outside they came and started some argument. I was arrested brought to Court I agree that I should not have taken this liquor, but the police were doing the same thing and worse." Now, Mr. President I'm not saying hence police should be supervised, if they want their drink, drink it, but I'm saying while on duty that they should not be setting too bad example or drinking and then trying to arrest somebody else who drives.

Now I am exploring these and all this "hemm" to use their best efforts to stop this sin which is so prevalent. We know what the Bible says about liquor, wine is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise. We know it also says, righteousness exalt both a nation and sin is a reproach to any people, and we don't want to be in that category, we want to have an exalted nation, where righteousness is prevailing, and it is up to me to at least try to start if ever stop this terrible sin which is so prevailing. Thank you Sir.

HON. JOHN JEFFERSON: Mr. President and Honourable Members, I'm trying consistent I think have to begin by dealing with the people of our Island, and again I have no apologies to offer to anybody in regards to my convictions, my principles. And I feel that it is high time that we effect the means to be able to see that the law is carried out.

Now Mr. President you have been in this territory for just a very short time, I've also accused that as short place as coming in these islands you were aware that the public confidence in regards to law and order not being carried out by the Police Department had been a fact in these Islands, and it still exist today as far as it's concerned.

I see within the book of your speech here the Throne this morning a number of item which will come before this Legislature this year. I maintain Mr. President without any fear of favour that it is absolutely no use of us going on to bring our laws up to date, and enact legislation that guards for certain things in these Islands, unless we have an enforcing agency that is able to enforce the law. Now I know that it is always easy to lash things down, and it's far more constructive to be able to offer solutions. But in regards to this motion brought before us which I have seconded, I see Mr. President there is a dying need to be able to have this law carried out. I don't know if the word "Lynch" Mobs and Collinsmen, I don't believe it does. I believe the time that if we had people that were doing their job, that

Mr. John JEFFERSON (COURT): [illegible] Statement it and "Apparent" or what have you, that entails. Things would go down.

Now if we are going to do that we have to narrow it this territory, it means that you want to classify out. It means that we must enforce law regardless of who it harms or who is involved, we have a job to do, and that's what the Police Department is for to enforce the law which it has been made. I wouldn't be that we enough to say that they aren't competent people in our departments, but my personal opinion and my personal complaint Mr. President is the fact that the people in high office if they were doing their job in their department you wouldn't have half the problems that we have today.

Alcohol it is public knowledge that boys and girls under the apparent age of 21 years are going with Alcoholic Liquors against the present Liquor Licensing Law. Every time that we enact a law, every time there's a complaint [illegible] this question comes back, well we don't have enough police. We don't have enough to enforce. We can't do everything. Well Mr. President what I am saying it's time that some of these things are enforced, it is time that these things be counted urgent enough in the life of this territory to see that the law is worked against.

I have had the opportunity of not only working in this territory, but I have had the opportunity of travelling some, and working in another territory. And I was reminded sometime ago when I was working in a certain hotel in Canada, you know I saw a tremendous amount of drinking, but let me tell you this. There was one thing that was clear in the minds of everybody, and that is that the fact that the proprietor was aware that any violation of the Law could mean the revoking of his license: so people for good or for a tremendous [illegible] time. Now as far as I'm concerned there won't have any less of this kind of activities in this territory, because some of the things that are come in these here, as far as I'm concerned was most degrading. There has been cases in this island where minds by the police have been made, gambling and people have been brought to the court for gambling, minds have been brought to where a [illegible] gangs was even established. There's been all kinds of cases made in certain instances where there were people that wanted to enforce the law, but what has ever been done about it. What has been the end results. A reminder some time ago in the hotel as what transpired, the manager was a man witness [illegible] with two teenage girls at a table, he called the police and asked the police [illegible] on the fact that this gentleman was serving these teenagers - girls under age liquor. By the manager's arrangement he found out that it was a policeman himself off duty. I'm saying that it is high time that these things be taken care of.

There's more liquor being sold in this territory here today of fourteen thousand people, than it is no doubt in a territory of ten or three million. We heard the First Elected Member of Executive Council, Communications and Works make the statement that the people in Jamaica sold some forty [illegible] people drink anymore liquor [illegible] than what you do, we'll have to come down and have a drinking night here in these Islands. Why should we use corruption on people's minds, because we're saying what should be and what shouldn't be, I feel that it is time that the law be carried out, that persons found drinking under age in any bar, or any place selling liquor that law must be enforced, and these people brought before the proper authorities and dealt with in the right manner. I'm saying that in [illegible] appearance, the only thing the Police Department was interested in as far as where liquor is being sold, the report is made that the place for safe lock up, inspector says that it has a sanitary face [illegible], therefore that is good, all that is needed. In the past certain areas of [illegible] and objected to the nuisance, objected to the bonace in their community, people selling liquor, the noise and everything that goes wrong with it, and yet nothing has been done about it.

MR. JOEL JEFFERSON (D-Md.): Mr. President we are ending this afternoon with two moral questions in relation to two possible things, and both are important to youngsters. And I believe that it is an issue that haven't met, it is a fact that the members of our Congress are beginning to realize, but beginning to realize our neglecting to be forceful about the think. But they believe that something must be done to curb the immoral morales in these Islands, and I believe that we must do just that. I believe that we look around at our youth, we look around the problems that concern us today, that we ought to with God's help look to do everything possible to help our youth to find the good useful things to do in people to stay out of these vice and vicious places. And I think that certainly nobody is in a better position to see that this is carried out than our police department. I am not criticized what we are getting, I don't think we are getting a fair shake from this department. I believe it's high time that we stand up and be counted, and say that we are not going to put up any longer with the vice that isn't enforced in so many instances. I believe it's time that we stand up as men and women and make the world to know that we are going to maintain our laws that is possible in our country, and our youth with things that are helpful. We're going to say what we will tolerate, and what we won't tolerate.

As it read it would ban Government take action to stop the illegal sale of alcoholic beverages in places where the proprietors have no license to sell alcoholic liquors, and that is the second most step to take to stop this illegal distribution of liquor which is so very prevalent. I hope Mr. President and I believe that as well also vote in this direction to say that so far as we're concerned, that I believe we have reached the stage where as far as I am concerned we just have issued licensing plans in this as and from these Islands once. I believe it's time that we call a moratorium on this. I believe it's time that we say this as far as we're concerned we are not prepared to go any further in regards to sale our laws examples. Because of a fact that people in high places in the department are not exercising and exercising our basic share of responsibility. Any department in these instances that doesn't enforce the even image of the Crypt. Friends as far as I'm concerned not only hurt us, but it causes people to lose confidence in us. And I'm saying that it is time for something to be done to curb the selling of liquor to beverages under the age of twenty one. Thank you very much.

MR. CHARLES HILL: Mr. Vice Chairman and Honorable Members, I rise to support the Private Workers' motion. So much has been said by the rivers of the nation and the Assembly of the native, that she wish can't been taken out of my mouth. But as they have said the morals of the island are crumbling very rapidly. We do not legislate laws for morals I'm sure, but when one looks into the matter of liquor being sold in places that have no license, it's time to stop and think.

The Whereas section of this motion plainly states that it is public knowledge that boys and girls under the minimum age of twenty one are being sold alcoholic liquors against the present liquor licensing law. To this is a known fact by people in and around the various districts, and a report is made to the Police Department I see nothing else but a failure in the Constabulary Force, to execute their duties. But I stand here to say this week, I've listened and also heard where Assemblies have arrested boys while partaking themselves of alcoholic beverages in the same act. This is time to think where are we heading? I shall be very brief in my statements in relation to this. If the police becomes a participant, what action must be taken. It leaves one thinking, and it's for us here in this Chamber to solve the problem, it's very pathetic.

In the fourth massive section they're asking that Government take steps. And that is Government must not let the police it's not here pleading any case against the Constabulary Force, most of them are young boys employed by failure, easily bribed, easily led astray. But if we have not who will go into this place [illegible] friendship or

MR. CLERK [Mr. [illegible]]: [illegible] I think a step would be made. But I'm not prepared it's crucial at this point to say or want to say so while we are [illegible] what would.

I can see where our Social Services or the First Minister from George Town said this morning, will never get off the ground, anyway, if all of this has to come [illegible]. We have young children just on the verge of marriage and parenthood, and if they are confronted with problems [illegible] I think alcoholic beverages is [illegible] where a spark away [illegible] to happen's problem by the state's friend. It's not a one man problem, like your son, not my daughter or it's my own. It's just some poor mother's boy who's had misery by just an older person who chooses to destroy the life of the youth who'll be the future tomorrow.

Mr. President and Honourable Members it's quite time we too last speaker just said that something be done, and speedily done. It's my good of working up committees or continuing use of women to intervene in this even as they a Constabulary Force consisting of a hundred and fourteen men in this community. There must be one out of a hundred and fourteen men who are true, [illegible] And with that Mr. President and Honourable Members it is I rise for tonight, and let us say that food. I thank you.

HON. W.M. CONOLLY: Mr. President and members I presume that I should say something on this, because in fairness have also been to the tape record as a report, and quite recently in the debates in the House here and the introduction of the liquor licensing law that was introduced by me. Some was quite a [illegible] debate on this aspect.

Now the Association as it stands says that it is public knowledge that boys and girls, presently under the age of majority are buying sold alcoholic liquors. Surely it is well for us to look in here and to make bold statements of facts. It is also well for us as men in here to blame our constituents when [illegible] for not taking action, surely this goes down well. But my concern is how many people are willing to come to the force [illegible] willing to assist the police by court and give evidence. If this is open public knowledge, I'm sure that the police will do their job. I'm sure they'll prosecute, but I'm sure that the courts of [illegible] sentences can be imposed against persons. But what we find in many times out in town, a lot of people will [illegible] that for drugs or the party is selling liquor, but get them to go and stand before the court and give evidence, they'll say well they don't know, they [illegible] and as a result of that the persons have not [illegible] prosecution. Quite recently I know of a case that the Police Department presented last on account of lack of evidence. And surely people who come out and say they know these things are happening, they're not willing to go and stand up and say so. I feel if people know of this is happening, then it is a two way street, the police can be no more effective than the support from the public they get. It means that the public is going to have stand up, give the evidence, and also be prepared to go to court and [illegible].

[illegible] have been as I've said quite a lot of discussion over the granting of liquor licensing and the control of distribution of liquor in these islands. Unfortunately I have found myself in a position where I have got a lot of criticism [illegible] look that I should be against certain actions, critics of the Board, the members of the Board did in their wise [illegible], and you even in this instance I've found and it is all not that even there she's alleged that it was the Chairman who did it. And even the Leading Lady is supposed to come from a body in one hundred percent there. [illegible] at any I can agree that the overall [illegible] is very sensible of this problem, and I'm sure that government will take any steps necessary to control this situation. But let us say here and now that the government agency has to be supportive of the public. One can

WEDNESDAY, 19TH MARCH, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR MR. [illegible] - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon D.V. Watler, Dec., J.P.	First Official Member
Hon. A.R. Waddington, CMG, Q.C.	Second Official Member
Hon. Trevor Foster	Third Electoral District, Lesser Islands, Member for Inter-Island Communications and Information).
Hon. W.W. Donnelly, OBE., J.P.	Sixth Electoral District, East End (Member for Tourism, Lands, Natural Resources, ICCI and Gateways).

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie S. Bodden	Second Electoral District, George Town
Mr. Orlando M. Hill	Second Electoral District, George Town
Mr. James M. Bodden	Fourth Electoral District, Bodden Town
Mr. G. Haig Bodden	Fourth Electoral District, Bodden Town
Mr. Crewhook Ebanks	Fifth Electoral District, North Side
Capt. K.A. Reid	Third Electoral District, Lesser Islands

MR. JAMES M.MCCLURG (COURTENDAY): So it is being judged by your peers and I think it should continue that way.

In regards to the statements made against the jury system by some of the previous speakers, I have to hear such things being said that you have such little confidence into the people of the island as to think you could not have an impartial jury. I hate to think that we have gotten to this position.Of course each member of this House, that's what makes it Democratic, is capable of having his own opinions and views on any particular subject, but Mr.President, I , too, join with the others who have spoken against this - that it is my humble opinion that the jury system as used under the Coroner's law, should not be done away with. Thank you.

MR. JOHN D. JEFFERSON. Mr.Pres dear, I make a motion for the adjournment, Sir.

MR. JAMES M.CURRAN: I second the motion.

MR.President: Well, before it put it to the vote, I'd remark that it looks as though we might get through tomorrow's business before the afternoon and we have still got the debate on the Throne Speech to take on Friday and either we could start that debate early tomorrow so we can adjourn early tomorrow and start the debate on Friday, but if we are going to start the debate tomorrow, I think members should be forewarned so that they may be ready with their speeches. Is there any preference?

MR. JAMES M.CURRAN: I would like to see the debate start tomorrow, Sir, so that if there is an early wind-up it could come on Friday afternoon tomorrow.

MR. MARK D. WATKINS. I'd object to that, Mr.President. We had a motion before this House that it would begin on Friday and I was given to know that it would be just that.

MR. CLYDE M.HILL: I agree with the last speaker, Sir. Friday for the debate, Sir.

MR. CHRIS BORNE: Mr.President, just for a matter of information for the House. I expect to speak for two hours on the legislature tomorrow so I just think there is any chance of getting through before 5 o'clock.

MR.President: Well , that means we have settled the question finally, so if by any chance on the use of business tomorrow we will adjourn early and resume the debate on the Throne Speech on Friday according to the motion.

QUESTION PUT ON ADJOURNMENT. AGREED.

ADJOURNMENT

At 5.20 p.m. the HOUSE Adjourned until LEGISLATIVE SITTING THE NINTH OF MARCH, 1975 at 10 a.m.

HON.W.W.ICKERTY (CONTINUING): judge and I do believe that we must depend on the integrity of the Magistrate and if this goes, then I could see us having a fair system. It is in no way, in my opinion, extracting from the judicial system that we have had, as far as the trial by jury is concerned, because a Coroner's inquest is not trial, as far as I am concerned, but I stand corrected to what the learned Attorney-General will say on that but a Coroner's inquest is not a trial.

MR. CLAUDE W. NOEL: Mr.President, Honourable Members, I, as a layman, listening quite intently to what the Second Official Member has said in his introduction of this bill, and also the previous speakers in their remarks in regards to what they have taken exception from in the bill. It seems as if the bill seeks to do away with a jury at a Coroner's inquest and as a layman, I am subject to correction, and I would like the Attorney-General to let us know just if a Coroner's inquest is not a trial within a trial and a jury placed on a trial on a Coroner's inquest of seven men, or whatever it may be, you may have the chances of obtaining your rightful legal proceeding other than leave it in the position of a magistrate, regardless of his background, as a Magistrate, man are human beings and subject to err.

I think it is even in the Bible mentioned, just at the mouth of two or three witnesses'. Why do we here today seek to place in the hands of one man something that our forefathers fought for and lived by for yonks that we are continue to destroy but to build. I'm not saying that we are doing away with the law in toto, but leaving it in the hands of one magistrate, regardless of his ability, when out of the mouth of three we hear something else.

We all like changes, changes may come and they come earlier than we expect, but I voice the sentiments of the Second Elected Member of Golden Rock and also the First Elected from the District of George Town in regards to doing away with the Coroner's jury, as jurors on a Coroner's inquest. I thank you, Sir.

CAPT. A.H.REID: Mr.Speaker and Honourable Members, a lot has been said about this matter, a lot of it irrelevant in my opinion. I know it is British tradition to be tried by a jury but a Coroner's inquest! In my opinion, is not trying anyway, it is deciding how a person died. But I have seen, on several occasions, justice cheated by juries, I have also seen people locks their life through juries being incapable, and if I had to be tried for a criminal case, I believe I would rather be tried by three well-informed judges anytime than by a stupid jury, because don't tell me you can always get intelligent juries to preside on cases, because I know differently - I don't care where you be. I know all democracies believe in the jury system, America, England, all of them. Only the Communist try you by a military tribunal and put you up against the wall and shoot you the next day. That is not our system and I don't think anyone is trying to do the jury system. But I agree with this law, because I believe that a learned magistrate is in a better position to make that decision than any jury you may pick. Under the circumstances I support the law.

MR. JAMES M.BODDEN: Mr.President, Honourable Gentlemen, I really didn't intend to speak on this because I felt that everything pertaining to it could have been better dealt with i the Committee stage, but having heard one member refer to it as not being a jury system, I, as a layman, interpreted it different. It is my opinion that the Coroner's jury is a jury and it is the jury which will return an indictment should they see fit to do so.

MR.W.HAMILTON (CONTINUING) Secondly that this Survey of the things in this law that have been a derivation from the past, its all the objects and reasons here, and he has given certain reasons for so doing and whether these reasons will satisfy the Legislature or not, is another matter but what I would hope that members do not convey an impression to the public that the law is trying to try people without a jury. I don't think that is the case.

As I said, as I see it, its a matter entirely of choice whether a learned magistrate is more capable of weighing and co-ordinating the evidence and summing the findings after having heard all the evidence, the evidence from witnesses that know of the case, plus medical evidences and all this and, as I said, I think it is merely a matter of decision of this House, what it goes into committee, whether we should retain the jury system or whether we should do this, but one thing I am sure it does not do, it does not take away the right if a person being tried by a jury.

The Coroner's Law has been one that has come into play quite a number of times at Coroner's inquests recently with particularly automobile accidents and with various persons found dead out in the sea and this has been, I think, the greatest time it has been applied - you have to go into these circumstances but most of the time anyway, it is recorded that no one is criminally responsible for the death of the person. It is recorded on the certificate of death When it is found that someone is, by the jury, criminally responsible, as the Learned Attorney-General said in most instances when someone is indicted, is put on trial, and some times not often, the person before the jury that is acquitted. Well, certainly, the evidences that go before the trial court is such to acquit a person, then definitely it is desirably some sub-direction or the lack of taking direction why a jury, in the first instance, found the person guilty. And I think we must be fair to people on both sides. Why should we have a situation or a system which would create a hardship on a person, to have to go into the great expense of retaining legal advice many times at great expenditure, to defend himself in a court of law, when the death should never have been responsible in the first instance, and this is what we have to bear in mind that in a small place like this, you even have, in many cases, you have personal feelings running strongly, as we have seen in a lot of motor car claims where you have people who knew are police that persons was driving carelessly or recklessly, as might be the case, but there is not sufficient evidence to convict a person and I am saying that we should not unduly, if there is not sufficient evidence, jeopardise a person in causing them to go to the expense of securing the Legal services and in the end for them to be acquitted. I feel a person should have a fair trial, and I am sure there is no intention on Government's part, because our laws that we have just read for the first and second time this afternoon, the Criminal Procedure Law, provides for a trial by jury, so there is no intention on Government's part to do away with the jury system, I think it is well-rounded in theory, but as it is thought of that in this particular bill, or in this particular law, then the suspension of this jury system there, would, in any way, case the situation of allowing a more reasonable and straightforward system as practiced, then I don't have any objection to doing it, because I don't see where anyone is going to be jeopardised. I don't recall today that we would have judges in this Island, or magistrates in this Island, too, that they would be personal against individuals, I would rather think of the contrary - I would rather think that you would find juries that would be personal against individuals, rather than having

Hon. Adam Malkowski (Continued): the Government and the people we should follow the ancient custom of having a jury empanelled when there is a Coroner's inquest.

Now I believe, Sir, that having a properly qualified Coroner is more important. I have been at Coroner's court where the two justices knew nothing and I make my that they didn't do their job too well but with a proper qualified Coroner we should get better service, but at the same time, I feel that those with him should be those never jurors empanelled. Of course, in a country such as we live in, a democratic country, we must follow the principles that we believe are democratic. It would be said that this Coroner, be he who he might be, might be a dictator, it be likely like us, or be likely to, as the case may be we might be saddled with some form of not being just fair, but the person that I would say be is qualified and will serve and always do give guidance to. Juries would do better served.

Now, Sir, I must agree with my colleagues here who spoke and felt that we should be better served to have a jury. The ten pounds or dollars or so is now is nothing to consider of what money is being wasted presently in the Court House, by me. I would say the Government, but litigants and I can well right for his life, I am very sure, even more strong than he would for a piece of land and I feel, Mr.President, that we would be taking a right step for our people if we deprive them the privilege of having half-trial, I would say, by their own countrymen.

Hon.M.M.Carroll: Mr.President and Members, I think I would like to speak on this as a lawman and one of the things that concerns a little bit and that is the matter of expression of evidence that a person is being tried by somebody. I stand open to correction but I do not think that a Coroner's court tries anybody. I think what a Coroner's court does is to investigate, enquire into the death of somebody to say whether or not the person's death has been caused as a result of something.

Surely it would be wrong, in my estimation, to present the idea that how few persons to do away with a fair trial by jury. I don't think that this is what the law is trying to do at all, because as far as I am concerned a Coroner's inquest is an trial. I don't think one can call a Coroner's inquest a trial. If, at the inquest it is proven from the facts, it if is found out that the death of Mr.X is caused by certain actions of another person, then the police come in the play and charges that "X" and that's the trial begins, then a trial does then to a court, he is tried by a jury, if it is for a certain indictment, a seven man jury, if it is a certain involvement, it is a twelve man jury.

I don't think that the point of the trial should be emphasized. Now, as far as I am concerned, if members feel like the Coroner's jury should be examined that is quite alright but what I am a little in brief that I don't think it should emphasized that this bill is purporting to try a person without a jury, that's not the case. If I can read it correctly, that is not the case and I don't think that it has ever been a case where a Coroner's inquest takes anybody - like out of the three an inquest is made out it, a lot of times, the inquest ends up that no one is responsible, no criminal responsible and a lot of times there is no direct cause of death proven, so this is a point I would hope that members in returning to this have stressed the point of the right of a person being tried by a jury is being taken away from them - I don't think that is exactly correct. Of course, as I am saying, I am speaking as a layman and I would how to the ruling of the learned Attorney-General, then I am sure is better capable of explaining the full nature of the law. Of course, he has pointed out or he has in this

MR. G. KING-SMITH (CONSERVATIVE): ... agree with this Bill, because I believe this Bill is seeking to take away one of the inherent rights of the people of this free land. Perhaps there was a necessity for a revision of the Coroner's law but if the real reason was to take away the jury we have never - the people who brought this Bill before us have stood, regardless of the legal knowledge, regardless of the five years in preparation, regardless of the many weeks in Executive Council - I feel that this Bill should not have been brought, making or asking for such a exception(al) change, without the Bill receiving wide publicity. I am hoping that sufficient members will feel the same way as I do so that when we get into the Committee stage, we will be able to give back to the people the right of a Coroner's jury. And let the jury make mistakes - they can afford it.

I would rather have a mistake made by 12 honourable men under the direction of one qualified man than to have just one expert opinion. We owe this to our public and I don't think we should run it behind closed doors. While it is true this Bill has followed all that is required by our laws, it has been published in the Gazette, but I wonder how many people subscribe to the Gazette at the prices I see here. $150 per year for the Gazette or a Government Notice published the 4th day of February, 1975 - how many people are subscribing to this Gazette? Government Gazette $30 per annum, Hansard $70, supplements $150 for 1975, so with that kind of high cost I don't think there are too many subscribers to the Gazette which means that this Bill which we have before us has been published in accordance with the Regulations but it has not reached the masses.

Can any see the necessity for hurrying this Bill?

Mr.President, the morning is going out I can assure you many hours will be spent in the Committee Stage in an effort to give back to the people what they enjoyed for hundreds of years.

HON. ROBIN KINGSLEY: Mr.President and Members of this House I, too, think that it would be a grave mistake to eliminate juries from this Coroner's Bill. Ever before Court Style now, not in a Coroner's Court but another Court there was a certain firm of lawyers who asked to have their case tried by a jury, because to err is human, to forgive divine. Judges are only ordinary, normal people and I would say, Mr.President, that in fairness to the public, to people who might be brought before a Coroner's Court that they have a better chance at a trial and not acquitted or to be exonerated - they are heard by seven men, I think the number usually is, because I have attended Coroner's court and the Judge always gives directions. They do not simply blindly agree. In all the Coroner's Courts that I have attended the evidence is reviewed, the Judge gives certain directions, they must find on the facts, he has the word of the law, and I feel, Sir, that it would be depriving our citizens, anyone may get in trouble and I feel that justice would be more ably served, not that I am disputing the integrity of a professional Judge, but I feel that justice would be better served if we had a jury empanelled to hear the evidence in these many cases which are come before the court.

Of course, while there is not a man they are acquitted - I feel, Sir, that both Jury and Judge have fallen into a lot of force in particular cases the criminals seem to be lucky and most especially a death is committed - only knew of one person ever escaping a hanging - all the rest, as is so often said here, those I would call clever Hansard trained attorneys-at-law and able to find some technicality to get the people free, but I feel, Sir, in fairness to both

MR. S. TUTE BODIES (COMMUNIST): at that time was a very old law and the compensation for a Coroner's jury was 10d for the ordinary proceedings - 1/- or 2s old money for the ordinary proceedings - no matter how many days he served. In fact the jurors money was so small that Coroner's juries were under the impression that they were not supposed to be paid and the Treasury have always saved that 10s. But I think it was last year or year before we stood here and we increased that from 10s for the ordinary proceedings to £10 per day. Why did we do it? Because we felt that a Coroner's jury was a necessary part of the machinery and the Government which we have always known. What has changed the attitude of Government in this short interval, between the introduction of the compensation and today? Is it because we have suddenly learned that the Communists societies are saving a few dollars by doing away with a Coroner's jury? Is it because we have found some new-fangled book? Is it because we have come across some model legislation from the darkest part of some dictatorship Communistic country? What has changed our mind and our attitude towards the honourable institution of a Coroner's jury?

Mr.President, there are certain other things wrong with this Law - it seems to be one of the most heavily weighted of my bills, but the many points I have really make it so significant when placed alongside the very heart of our democracy, and I will ask Honourable Members when I call the insignificant amendments which I will be seeking at a later date but I would certainly ask for the support of Members to scrap this bill, if not scrap it, at least pry it open and put into it the spirit and the zeal which is missing.

The people in these Islands have become accustomed to having a fair indictment - they have become accustomed to having a fair trial - they have become accustomed to the British system of justice which they have known from the days of their forefathers. We should not take it away today - we struggle not try to take it away in a single stroke by a Bill that perhaps is not even known to the public. We have recently instituted a Gazette which at the time of its institution I and Legal would help in the publication of our Bills in a manner that would make them readily available to the public, but I see now already that the Gazette is not printed and the man on the street will not know what is in our Bills, as he did when they were published in the various Gazettes, so I certainly trust by me coming here with a Bill which will have far-reaching effects upon every person in the Islands in all the years to come, and I believe that with the exception of the few members in this Chamber, there are not many of the public that know what is really happening here today in this Bill.

I notice myself that on Monday night by collusion from Petition Town went before the people in Bodden Town and we invited the people that were there to come out of this Assembly and to hear for themselves - I don't know how many of them have come - if they have not come it is not our fault - perhaps this courtesy was also extended in other districts but I believe that if the importance of this bill was known the place would be full with people this afternoon. A Bill as important as the Bill before us should have received wide publicity in the newspapers but I don't know why they bother to send reporters to the Assembly because they do not report the things of consequence. Perhaps when this is done and passed we shall see a glowing editorial on the virtues of it, but when there is time to keep it there is not a word in the newspapers - there will not be a word on the radio station either and Mr.President, I cannot go along with this Bill, because it is diametrically opposed to everything that I have thought to be right and just. I cannot

Mr. G. BRIAN WILLIAMS (POONTHUKIN): This Bill seeks to do away with the Coroner's jury. In this the beginning of the week it is said that Coroner's juries may have erred in the past, being only human beings, but that is still better than introducing just a man by any name and if a person stood to be indicted for a criminal act it would be far better for that indictment to be considered and performed and put forward by a jury of his peers rather than a Coroner, no matter how professional the Magistrate or the person performing the Coroner's job would be.

The cornerstone of British justice is trial by jury - no better system has ever yet been devised. We may be told that in many commonwealth countries they have done away with the Coroner's jury, but have they done right?

Last year if Mr. Lambert had an opportunity to speak with Parliamentarians from nearly every country in the Commonwealth and there isn't a single one of them that I would change places with, and I believe that the ones that they are suffering from have been brought upon them mostly because they have tampered with established principles that have worked well in the past. They have tried out new-fangled ideas - they have experimented with laws and with procedures that they should not have touched - like fools they have rushed around in circles that angels fear to tread.

If we do away with a Coroner's jury what is the next step in our judicial procedure - would it not be to do away with a jury in the Grand Court? This Bill is entering upon sacred and holy ground - it has no right to even know upon the plan and yet it is going into the very heart of our system of justice and by a simple amend trying to destroy the Coroner's jury.

I do not know how any other member of this Assembly feels on this particular point, with the exception of the Member from North Side. We had a discussion, in fact two discussions on this particular point and I know that he feels the same way as I do.

We cannot allow this to happen, Mr. Speaker. We talked then how we should be putting it first and foremost how much money has been poured over it, we cannot allow this to happen.

I will be fighting this section of this law for as long as I am permitted to fight it.

The law has one commendable feature in that the Coroner himself must now be a professional magistrate, this should have been done long ago, just the same as the Judge in our Grand Court must measure up to certain qualifications. I feel that the Coroner himself must be a man with specialised legal training, but he must be supported by a jury always.

Whenever a Coroner's inquest is necessary I feel that we should follow a very established custom of going out and selecting ordinary lymen from the midst of the citizens and let them deal with this. You should never tamper with a system that has worked well, and almost successfully but for hundreds of years.

It is true that we have now reached an age when we had to start looking at expenses - they have told about the cost of a Coroner's jury by the Member who introduced the Bill, but we should never sacrifice justice one penny for the cost of a few paltry dollars.

Sometime ago, I think it was last year, we stood on this Chamber and we increased the fees payable to a Coroner's jury because we felt at that time that this job was worthy of someone. The law which we worked

HON.G.B.MACDINGWA: [illegible] There have been cases where, in spite of the findings of the Coroner the jury has thrown the kit, so to speak, between its teeth and brought in a verdict of criminal negligence when the facts didn't justify it, and the result was that such circumstances the accused had to be separately indicted and go through the process of a trial, only to be subsequently acquitted after all the evidence had been adduced at that trial.

The Coroner's jury usually do not have the benefit of cross-examination, for instance, if the person against whom they may have brought in a verdict of criminal negligence. That person is not charged at that stage of the proceedings and the most that sometimes happen, is that there is perhaps a legal practitioner, an attorney entering proceedings to make a plea for that person, but there is no real opportunity for full cross-examination of witnesses and so it often happens that the verdict brought in by the Coroner's jury is not really based on a proper, thorough examination into the circumstances. And so it is thought that it would be advisable or something that would be for the benefit of the public in general that a person should not be put in jeopardy unless he is in the position to by rule to defend himself before a jury, and so the provisions in this Bill provide that there will be no more for a Coroner's jury to be established in cases of inquest.

Another further provision made in the Bill which is designed to save a lot of time and expense, and that is that in any case where an inquest has begun in the circumstances are such that the death of the person requires investigation by the Police and the Police, as a result of that investigation is of the view that someone should be charged with a criminal offence and that charge is brought then the inquest will be stayed on the application of the Police and this again is designed to avoid duplicity of proceedings, multiplicity of proceedings and a lot of time and expense. If, after the inquest has been stayed to conviction of any person mentioned the Police inquiry, then the inquest can be resumed and the Coroner will then arrive at a verdict, not inconsistent with the outcome of the trial and this is also a very beneficial provision because without it it may well be that if the Coroner would bring in a verdict inconsistent with the trial there would then be two inconsistent verdicts and the embarrassing situation would be created of a person being acquitted before the Court there to indictment and subsequently the Coroner finding that person perhaps guilty of criminal negligence. So as to see that the subsequent verdict or conclusion of the Coroner should not be inconsistent with the Findings of the Court of trial. If the Police do not intervene in any inquest which is being held then the Coroner will, of course, proceed with the inquest and arrive at a verdict in accordance with the evidence.

I recommend the Bill, Mr.President and Members for your favourable consideration in the same manner as the other bills and I trust that you will feel that this Bill also fits into the series and is a necessary part of that series.

HON. D.V.MPHEPO: Seconded.

QUESTION PROPOSED

HON. G. MAKA MOYO: Mr.President, Members of this Honourable House I don't know how one can be absent on a Bill which is seeking such a sweeping change in the system that we have known from the days of antiquity.

QUESTION PUT: AGREED! BILL GIVEN A SECOND READING

REFERRAL OF THE CRIMINAL PROCEDURES CODE LAW TO A SELECT COMMITTEE OF THE WHOLE HOUSE

HON.C.S.WALLBANKING: Mr.President, like in the other cases, I would now beg to have that this Bill be referred to a Select Committee of the Whole House in accordance with Standing Orders 55 (b) and 57.

HON.J.V.MYLES: Second.

QUESTION PUT: AGREED, BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

HON PRESIDENT: Again I appoint the Honourable the Attorney-General to be Chairman of the Select Committee and in accordance with the decision of the Assembly, a quorum of such Select Committee will consist of at least seven members.

THE CORONER'S LAW, 1975

CLERK: THE CORONER'S LAW, 1975 INTRODUCTION AND FIRST READING.

HON.C.S.WALLBANKING: Mr.President, I beg leave to introduce a Bill entitled the Coroner's Law, 1975.

HON.J.V.MYLES: Second.

QUESTION PUT: AGREED! BILL INTRODUCED AND GIVEN A FIRST READING.

CLERK: THE CORONER'S Law ,1975 - SECOND READING

HON.C.S.WALLBANKING: Mr.President, I beg to move, Sir, the second reading of a Bill entitled the Coroner's Law, 1975.

This Bill, Mr.President and Honourable Members, is also one of the series and the Bill repeals the present Coroner's Law, Cap. about re-enacts most of its provisions. The really important departures in this Bill is that under the previous law, a Coroner could be appointed by the Governor from any person in the Islands whom the Governor thought to be a fit and proper person - there wasn't any need for paramedical qualifications of any sort, but now that we have a professional Magistracy, the Bill seeks to provide for the appointment of the Magistrate as being the Coroner, and that being so, a further change in the law, which the Bill seeks to bring in is to do away with the necessity for having a Coroner's Jury in cases of the holding of Coroner's inquest. And the reasons for this, Mr.President and Members, is firstly, not only that this follows the modern trend in commonwealth countries, but chiefly the reason that it has been found to be not only costly, but in many cases, quite a waste of time to have the jurors, having as to speak, a bite of the same cherry. Invariably, or in many cases, I should say, when an inquest is being held into the death of a person who has for instance been run-down or killed by a motor vehicle, the jury, the Coroner's jury, come to a finding that the person who was driving the car at the time caused , or was criminally responsible for the death, and there have been many cases in the past where such a verdict has been brought in on practically no evidence whatever that could suitably a jury on a criminal trial of that person, on indictment; for manslaughter or for causing death by driving. Indeed, where

MR. G. EATO (Interpretation) publicity to go to the office of some lawyers, particularly the ones from abroad and not them simply questions as to why so-and-so got them to hand a simple letter. They don't know what to do, they don't know where to turn to, they don't know where to find the guidance they need, so this bill, which puts together the proper procedure in one act of law, will undoubtedly make the work of an attorney-at-law much easier, in fact. I am even considering being active myself.

But the real good part about this bill is that it is giving to an accused person the right to have a fair trial. In the most outstanding manner and I must not say here that this is a privilege which can only be enjoyed under you flag in a democratic country. People who live in countries where there is no democratic right to parties under the British system, we prize ourselves in that a criminal can be very good and guilty if he does not get away, because the law makes it easy for him to escape and I think in this island, particularly, the cases must be very few indeed where an innocent person has really had to pay a price for his crime. So this law is one means of upgrading the penal code, perhaps it is even one way of up-grading criminals. You know a certain Governor, that is a Governor in the United States said that we need a better criminal system but we must first get a better type of criminal. Under English law every man is given a fair trial, every man is considered innocent until he is found guilty and this is right. I go along with this.

We in this island were fortunate in the old days when we had a Clerk of Court like the late Mr.Parsons that spent his entire lifetime in one job and no matter how complicated the procedure was he was sure to have it at his fingertips. Today, because of our determination, we have the sophisticated contracted officers filling the important role of Clerk of Court and no matter how well studied the person might be it is impossible for him to come in here with the complicated procedures we had in the past and really do a good job of running the Registry Office and proceeding the track on which the Courts run, because the Clerk's job, in the Courts, I imagine, is accepting whistle to the Clerk in the Assembly. It is that we would have utter power if it was not for the Clerk. So I welcome this Bill and despite the fact that I might be repetitious, I would like to say that I also welcome the manner in which it will be dealt with.

While also, I heard a statement that it was not the intention of Government to rush these bills through - I might add I did not hear that statement in the Chamber, but I am convinced that that statement is true. I believe and even if I have to take a little credit, I believe that the Edison Look Varlack, along with the other good members, were responsible for slowing the pace of these bills and I believe that future generations will call us blessed when they examine the type of legislation which will be incorporated when these bills become law and so I say thanks to hon Members for their indulgence.

MR. PRESIDENT: If there are no other speakers, I will call the Honourable Attorney-General to reply.

HON.G.E.MOTTLEY: Mr.President, Honourable Members, as there has been no points raised against any clauses of this Bill, there is really nothing to reply to, Mr.President, except to move the Second Reading of the Bill.

HON.C.BLOWCOCKWOOD (CONTINUED) are now checked in the Code. The procedures set out in this bill follow the general type of procedures which one will find in the judiciary in many other parts of the Commonwealth and I am sure that the Legal Secretary, for whom not to mention the Code himself, will welcome those provisions which will now make it quite clear and will be at one's fingers tips, so to speak, of all the various procedures which it will be necessary to follow in trials before the Grand Court and in the Summary Courts.

I don't think there is any point at this stage, Mr.President and honourable Members, in going into much detail of the provisions - it is a very long Bill, containing of 189 clauses and three schedules and at this stage all I can say more is that I hope that members will welcome this Bill as part of the service and deal with it in the same manner as they have done with the previous bills which have been processed.

HON.T.V.MILLER: Second.

QUESTION PROPOSED

MR. JOHN D. MCLEAN: Mr.President when I first received my copy of this Bill I hoped particularly in relation to this Bill that I would very much like to have seen it gone to a Select Committee because at that stage I wouldn't guess, but by the look that all those bills particularly are that will go before a Select Committee I am indeed happy, because there is indeed a lot covered up in this Bill. It is indeed not the easiest job for a layman to be able to go through a like such as this and be able to fully understand it all.

I do rise, Mr.President, in support of the Bill however as has been previously stated we feel it is indeed a necessary Bill.

I also would like the assumption of Offences and Defences for purposes of this Bill as to make new provisions for the procedures to be followed in all Courts in the Cayman Islands in the investigation and trial of criminal cases. This bill forms a part of Government of the modernization of the law relating to judicial powers and procedures which are being carried out in the jurisdictions of the Caribbean constitutional reform although the Cayman Islands now keep they are no longer linked constitutionally with Jamaica). I said previously I rise in support of these - I am indeed glad that we are at once getting our judicial system up there, I say this many times people have been able to speak to us out many in touch just because of the fact that some things are too numerous, some were out-dated, but I am indeed happy to see that we are making a real effort to bring our judicial system up to full strength, and to be able to provide efficient service. I rise in support of this Bill, Mr.President and I will be happy to be able to go through it in the Select Committee. I am sure that the Hon. Second Official Member can enlighten us a lot on things in this Bill. Thank you very much.

MR. D. MARK BODDEN: Mr.President, Members of this Honourable house, this is by far the longest of the long list of Bills we have before us and it would not be fair for this Bill to go unlinked with the dedication of the Most Any Member Mr. Mark Bodden have, pride ourselves in saying but few words, especially when things are going smoothly.

This bill must be welcomed right to the legal practitioners for Islands however this job has become a night-mare. I must say that sometimes it is

HON. G.E.MICHELSON (CONTINUED): provision there, which difficulty was experienced by the Court and those amendments have been incorporated in the bill, as nothing new remains, Mr.President, but for me to move the Second Reading of this bill.

QUESTION PUT: AGREED, BILL READ A SECOND TIME.

REFERRAL OF THE CRIMINAL PROCEDURE CODE BILL TO A SELECT COMMITTEE OF THE WHOLE HOUSE

HON. G.E.MICHELSON: Mr.President, I beg to move, Sir, that this bill be referred to a Select Committee of the Whole House in accordance with Standing Orders 55 (a) and 56.

HON.D.F.MANUEL: Second.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR. PRESIDENT: Under Standing Order 57 I shall appoint the Honourable Attorney-General, Chairman and we shall take it that, as with the previous bills, the Quorum for each Select Committee will consist of at least seven members.

THE CRIMINAL PROCEDURE CODE LAW

CLERK: THE CRIMINAL PROCEDURE CODE LAW, INTRODUCTION AND FIRST READING.

HON.G.E.MICHELSON: Mr.President, I beg leave to introduce a bill entitled the Criminal Procedure Code Law.

HON.D.F.MANUEL: Second.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN A FIRST READING.

CLERK: THE CRIMINAL PROCEDURE LAW, SECOND READING.

HON.G.E.MICHELSON: Mr.President, I beg leave to move the Second Reading of a bill entitled the Criminal Procedure Code Law.

This is another, Mr.President and Members, in the series of the laws being introduced to up-grade our judicial system and this particular bill is one of the, I should say, next to the Constitution of the Grand Court , most important in this area because this law makes provisions for the procedure to be followed in all Courts of the Islands, in the investigation and trial of criminal cases.

The system which will now be in force as provided for by the Grand Court Law or by the Summary Court Law which is to come, is that we will have two Courts, the Grand Court and the Summary Court and it is obvious by this there should be specific and details provisions laid down for the procedures to be followed in both of these Courts.

The bill is large however, contains a great deal of what is now contained in the Justices of the Peace (Jurisdiction) Law which deals primarily with matters dealing with the kind of interrogations, in Summary cases, and with the committal of accused persons for trial before the Grand Court, but in addition to that, there are several relevant provisions in the bill dealing with things such as service of process on companies, and search warrants, which were previously contained in the Search Warrants Law and which

MR. G. ERIC BROCKLEHURST seems to be ... ministerial rights. I do not object to most of even the very petty ones, that money seems to be totally out of line with yesterday's economies. Of course I know it is only right that deposits of this nature should be as small as possible, so as to give everybody an opportunity to institute inquiries.

Another point I have with this law is that it seems to make provisions for the moneys to be by way of a bond, perhaps that is right, not expressed in the past how about, in my opinion, it would be better if the person put up the cash, because many of the bonds are really not worth the paper they are written on. But I know part of the reasons why a bond is necessary and why I mind it acceptable, but I am just throwing this out as an example of some of the things I will be fighting in the Committee stage, but, by and large, this bill is necessary, in fact it was necessary a long time ago and I must say this is a surprised that it has taken so long of course, having regard to the value that has been placed upon the matter of appeals, because in this below people seem to be entrusted with the Police Court, the Petty Sessions, the Penal Code but nobody is every satisfied with the manner in which appeals are handled, and particularly in land cases. They seem to have a never-ending merry-go-round the individual case never tries the case on which the table stops. So this is a good bill and I will be supporting it in principle especially since we have the assurance of the Bruce that this will be dealt with in a manner that will give the Members time to really study it.

MR. SPEAKER: Are there any other speakers on this Bill? I shall call upon the Honourable Attorney-General to reply.

ATT.-G. S. WILLOUGHBY: Mr. Speaker, and Honourable Members, there are just one or two points that I would reply to in this debate. Before doing so, I should like again to express my gratitude to everyone for receiving this bill in the manner in which they have received it and will proceed to at this stage is to answer, on the comments which were made by the last speaker as regards section 12 (2) which deals with the security of fifty dollars for the due prosecution of the appeal. The member expressed the view that this was a ridiculous figure in view of the costs incurred on an appeal, but I don't think the member appreciates fully that this fifty dollars is only the security for the due prosecution of the appeal, that is to say, if the appeal is not proceeded with, that fifty dollars is forfeited, but the section goes on to say further "and with such further sum as security for costs of appeal as the Judge of the Grand Court may direct" and usually the Judge of the Grand Court fixes the further sum in an amount which is considered reasonable, having regard to the cost which the unsuccessful party the appeal may incur.

The member also said that he had a swipe with regard to the provision for the security to be given by the way of bond, well, here again, this is the usual provision and it is designed to meet a case where an appellant might not have the ready cash but might be able to have sureties, agencies to enter into a bond to cover costs if his appeal is unsuccessful, and it is thought that by this method an appellant who has got the necessary cash would not be denied the right of appeal.

One other point I should note, Mr. President and Members, is that this Bill was submitted to the President of the Court of Appeal, I must say his comments and suggestions were approved fully of in which case he has slight amendments to cover certain points which had arisen in

MR. G. HAIG MORROW: Mr. President, honourable Members, it would appear that this Bill is not worthy of debate or else it is so good that there is no need to debate it.

I feel that it is a very worthy Bill. The reason why some Members on this side of the House are silent is that we are normally loquacious only when we are finding fault. This afternoon things seem to be going our way. The big gripe we had with these Bills was that they would be dealt with in a hurried fashion, but having won the battle in the first instance, we just have to sit back and the tide will carry us along to a speedy conclusion and these Bills will go to, I understand, I know I am not speaking too warm, but the rumblings of these Bills will go to a Select Committee which is what I wanted and which is what some other Members wanted from the very beginning. And I must say that if an assurance had been given at the very outset there wouldn't have been the little bickering that we saw this morning, but all of that is, as the author from Cayman Brac would say, water under the bridge.

I especially like this Bill because throughout the Bill I read about experience of appeals and I think that has been the sticking point with all appeal cases in the past. Appeals have dragged on and on for years, some of them have been lost in the Office of Inquests, cases have even been instances where, I've heard, that the files have been lost, the necessary papers and law and the case can't go any further because documents have been lost over the years. I don't know if this is because the time lapse was so long, or it was the fault of the filing system or if there was some other reason, but a comprehensive appeal Bill, which, when coupled with new law, must speed up the process of appeals.

One section of many laws, that in my opinion has always been abused is that many laws say "there shall be no appeal" and you find that an appeal is allowed. Under section 4 of this law, it). I read "No appeal shall lie from any decision of the Grand Court in respect of which it is provided by any law in force in the Islands that such decision is to be final". Many of our laws in the past have said that the decision of the Grand Court will be final, but we have found that Queen's lawyers have quite often allowed this case appeals have been launched in instances where the law says that the decision of the Grand Court was final and, if I may use this colloquialism, there will now be no way of getting around this because it says clearly "there no appeal shall lie from any decision of the Grand Court in respect of which it is provided by any law in force in the Islands that such decision is to be final."

I am very happy that there will be some speeding up of the processes and that appeals will not hang fire for what we have done in the past, perhaps one of the reasons is that the Judiciary of the Court are cluttered with appeals that they are not able to deal with them, but we hope we something to counteract the scenario - I don't know what it will be but this seems to be a universal problem. I read quite recently that the time between arrest and a trial in Washington, D.C. is now one year - in many of the criminal cases. The time between an appeal and the final conclusion is much longer than one year in many instances, so I see this Bill as a means of speeding up the judicial processes of counteracting the calendars and so expediting the hearing of appeals.

But the Bill does not meet with my entire approval and I am not going to argue it here since we will be going through clause by clause at a later date, but I must mention that section 19 (7) - "The appellate, shall, at the time of lodging the notice of appeal required by subsection (1) deposit in the Grand Court the sum of fifty dollars as security for the due prosecution of the appeal", we see that fifty dollars

THE COURT OF APPEAL LAW

CLERK: THE COURT OF APPEAL LAW - INTRODUCTION
2nd First Reading.

HON. E. MILLER: Mr.President I beg leave, Sir, to move the introduction of a Bill entitled the COURT OF APPEAL LAW.

HON. D.V.WATLER: Second.

QUESTION PUT: AYES

BILL INTRODUCED AND READ A FIRST TIME.

CLERK: THE COURT OF APPEAL LAW, SECOND READING

HON.E.E.MILLER: Mr.President, I beg to move, Sir, the Second Reading of a bill entitled THE COURT OF APPEAL LAW,

This Bill, Mr.President, in effect repeals but re-enacts substantially, and with some added provisions, the present law dealing with Appeals to the Court of Appeal, namely the Judicature (Appellate Jurisdiction Law, Cap.17.

For one thing, after the coming into force of the Cayman Islands Constitution Order in Council, 1972 that Order reiterated that the Court of Appeal of Jamaica would be the Court of Appeal for the Cayman Islands and it is not necessary, but desirable that there should be a new law under the new Constitution dealing with appeals to the Court of Appeal.

Apart from that, however, having regard to the up-grading of the Grand Court by the previous Bills which have been introduced and given a Second Reading and referred to a Select Committee of the Whole House; it is necessary that certain consequential amendments be made. Insofar as the appellate provisions of the old Court of Appeal Law are concerned, and this Bill contains these new provisions. In other words the appellate jurisdiction in respect of the Grand Court, both in the Civil and Criminal jurisdiction have now been equated in this Bill to the provisions which one will find in any appellate court law, dealing with appeals from a Superior Court of Justice.

There is hardly anything more that I can say about the Bill, Mr.President. Members will have an opportunity, just as in the other Bills, of going into the matter more fully in the Committee stage, and all that is necessary for me to do at this stage, is to commend to members a similar thank-you - to this Bill, as was accorded to the one which preceded it and to ask that Members - give it favourable consideration and pass it, like the others.

HON.D.V.WATLER: Second.

QUESTION PROPOSED:

HON. W.W CONOLLY: Mr.President, it appears that there will be no appeal so I should just voice my agreement with this bill. I think it is something that has been needed for sometime to have a proper setting of the procedure and the proper forum of jurisdiction of the Appeal Court - I think that the Bill that is before us will go a great way in bringing the appeals from the Grand Court back into the Court of Appeal at a more speedy manner, and I am sure that this will be something that will be appreciated, not only by the practising Attorneys-at-Law, but also those persons who are involved in litigation that does require appeal, and I support this bill.

HON.G.E.MADDICKSON: [illegible] necessary for the court to order that jury to separate , but the point is that unless the Court so orders, then there is no separation, but this again, is a matter that no doubt will be ventilated fully on another occasion in Committee and there is really nothing more that I can say, Mr. President, except to move the Second Reading of the Bill.

MR.PRESIDENT: Before I put the question, I think it might be of interest to members to know in advance, whether you propose to move to go into Select Committee or to go to Committee of the Whole House. I think this might help.

HON.G.E.MADDICKSON: Thank you, Mr.President. Our Standing Order having already set the pattern on the First Bill, I think it unreasonably follows that all the remaining bills it will be convenient to go to, to Sec nomo, after the Second Reading, that each will be referred to a Select Committee of the whole House. In the way, Mr.President, there will be ample opportunity for Members to study and to digest the bills and to better understand them and to make any recommendations which they may consider necessary.

MR.PRESIDENT: Thank you, well, I will now put the question . The question is that the Industrial Law, 1975 be now read a Second Time.

MEMBERS: Ayes.

MR.PRESIDENT: Now Ayes have it.

BILL READ A SECOND TIME.

REFERRAL OF THE INDUSTRIAL LAW, 1975 TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

HON.G.E.MADDICKSON: Mr.President, I now beg to move, Sir, that in accordance with Standing Order 57 (b) that this Bill be referred to a Select Committee in accordance also with Standing Order 62, a Select Committee of the Whole House.

HON.D. V. WHITE: Seconded.

QUESTION PUT: AGREED

MR. PRESIDENT: In accordance with Standing Order 62 I hereby appoint the Honourable the Attorney-General to be Chairman of the Committee. It will be left to the Assembly to decide again on a quorum.

MR. CRADDOCK ASKS: Mr.President, would it not be then, sort of in keeping with the original arrangement, with seven as a quorum to go along with the whole Committee stage of these bills?

MR. JOHN D.JEFFERIES: I second that.

MR.PRESIDENT: Well, the suggestion is, I think, that having committed ourselves to a Quorum of seven for the first of these bills that unless a contrary vote is put, at this stage when we are considering further bills, the quorum will automatically stand as seven for consideration of all bills with which the Select Committee has to deal.

CAPT. A.A.REID: Mr.President, I wouldn't presume to have read over all these bills. I haven't had the time. I have skimmed over most of them and I see nothing wrong, I'm not capable of really considering anything in that respect, but the one thing that gives me a bit of thought is with all these bills we are passing do we have the infrastructure to see them carried out? I know there are many good laws on our statute books and I know, too, that the Police are doing nothing to carry them out. I support the Bill, Sir.

MR.PRESIDENT: Are there any other Speakers on this Second Reading?

MR. JAMES M.MORTON: Mr.President, Fellow Members, my contribution on this will be similar to what I said on the first bill of the eleven that has been presented, that I think more time is required in order to study the bill and to go into it. I, for one, believe that I should make up my mind of my own free will and accord, regardless of how much good advice is given to me from someone else. I am not a man who can be led blindly and I do not intend to be led blindly now.

In regards to the debate that has gone on here in reference to the democratic side, I am sure that this has applied to this side of the House in the winding up the Committee procedure much more than the other side, and my stand against this Bill will be not in a sense against the bill coming into law, because I agree it is necessary, or probably necessary. My stand against it will be based on the fact that we do need additional time. I would prefer to see this go to a Committee where it can be properly studied and each one will have his chance to say what he likes about it in that Committee, and I apologise for being late but if a motion has not been made on it, I will be proposing one that it should go to a Committee stage, because there are many things in this Bill, this is one of the few, may be, that I have been intelligent enough to interpret something in it, but there are several portions of it that, looking at it, as just a layman, I don't think I could agree with it in its present shape. I can take defeat as good as anyone else and I have think we have learned to take defeat, particularly in this House over the ten years and better that we have been in it.

I'd just like to remind my colleagues that it would be very good if they could take defeat the way we have taken it. Thank you, Sir.

MR.PRESIDENT: If there are no further Speakers I will call on the Honourable Attorney-General to reply.

HON.G.M.MAHONEY-TOBY: Mr.President, it is encouraging to see that all the Members of the House are agreed that this is a Bill which should, in due course, be passed, after having been considered in Committee and such amendments made as may be considered necessary.

Certain members expressed the view that they were not happy about the provisions for jurors being allowed to separate, but as clause 23 is now drawn, the position is that jurors, once they have been empanelled, will not be allowed to separate, unless by the express order of the Court, which the Court has the discretion to grant or to refuse, and this provision is in keeping with similar provisions in other juridical systems and it is made flexible in this way, because occasions can arise when it will be necessary for a jury to separate - there may be electrical, there may be passages of other sorts, however, private and otherwise, which may take it

MR. G. ERIC MOORE (CONTINUING): awarded by the Court was not able to recover because of some defect in the old law. I hope it is not because public servants are failing in the administration of justice.

It is a good thing that this was not a perishable item - I notice that section 40 of this law says that if the goods are of perishable nature they must be sold within five days or at least if it is not of a perishable nature they cannot be sold until the end of five days. Special provisions

Special provisions seem to be made for the empanelling of jurors and this is a good thing, because it is my firm belief that as long as justice prevails we will need a proper jury system.

You did saying that two heads are better than one, even if they are cow heads can be no truer than when applied to justice, because no matter how learned the jurors may be or how learned the advocate in the Courts may be the combined opinion of seven or twelve men, even if they are ill informed, in my view, is superior to the opinion of one expert, and this bill, to my mind, is the greatest of the eleven bills which will come before us and I have great respect for it and will be supporting it and I will be available the manner in which it will be referred to a Committee at a later stage. Thank you.

MR. CLAUDE V. GILL: Mr. President, Honourable Members, I rise to comment the bill before us, but when it comes to the Committee stage, I notice the amendments of the Third Criminal Number Two through Three in relation to jurors. This law that we are now dealing with is dealing with administration of justice and if justice is to be had, it is true on clause 23 what is presumed before us, the word "shall" could be injected and I hope it will be injected, rather than that a juror be allowed to be empanelled without Court's order from the role of jurors. The empanelling of jurors is very important. Speaking on personal experience I happened to be on a murder case - foreman of the jury and I was interviewed and I lodged the complaint at the Courts who then complained to the Acting Judge of the conduct of the person who contacted me in trying to bribe a case. This is why I am speaking on clause 23 by mentioning. This has taken place and it can be repeated.

The administration of justice in these Islands cannot be had if they are allowed to be interfered with by those who would like it the way it shouldn't be or should be, and with that, Mr.President, at this time the presentation of this bill is not the matter of discussing what took place thirteen or five years ago is what we are doing it for now. Do your part and do it well. Thank you, Sir.

MR.SPEAKER SPEAKS: Mr.President, Honourable Members. I dont know that there is very much that I could attempt to say on the introduction of this bill since I said what I did on the introduction of the first bill, being a part of them already, whether it be boys or girls, they fall in the same boat, and I can just assure that it is the intention for members of this House to deal with these bills, for change because law for the betterment of the country as the whole. And as only adds down to where we are only making that while as layman we might not fully understand the full context or every section and its meaning, that we get a better understanding by the attendance of the Chairman in dealing with these in the Committee so that we will be satisfied within ourselves what we say yea to before it comes to its end. So I give my support, in principle, again I say, not only this second bill I believe so, but others that will follow as well, and hoping that we would be able to get along with that in the stage and in the Committee stage as best as they would be reasonable for us to go into these and study them, so that it won't be a long drawn-out matter before they come back to the House. So I thank you, Mr.President.

MR. ROSS A. JEFFERSON (ENTHIELMA): Downsized by people.

Now I don't believe that the request brought forward in any request for of the secretary, I think it is very essential, I think for the maintenance of justice, which we seek to encourage and to build up, I believe it is very essential to look into this area.

Let's be quite honest about it, Mr.President, if I am on a jury and I am dealing with a very important case, would it be murder, could it manslaughter like was done in Fly County just a very short time ago, naturally sometimes there is people in this country that are out to be able to keep the head of justice at any cost, and certainly I would-Everybody endorse the sentiment made by the previous members. And I say, on the selection of jurors, I think this area must be looked into very carefully. Certainly, and there's no reflection on people who have served as jurors, but certainly we are thinking in terms of Justice. When we are thinking in terms of being able to give out to the people what really belongs to them, I think we must make sure that the calibre of people like we are summoning to jurors are people that are quite capable of being to speak their minds, and quite capable of standing up for what they believe is right. This saying I am not reacting any discretion on this, but in a developing territory like ours we are heading a lot of other things, I think that it seems that we must make special note of things like this.

We found that sometimes in the past in this Court, and I say this in passing, where certain records were not produced in court, missing Mr.President, this isn't good enough for this Legislature, I am positive you that. I can't assure you that we stand as for what is right - we believe in. Democracy. I believe in justice, and we believe that when somebody does something that is wrong he ought to be brought to the Court and it should be left to the Court to decide the measure of judgment meted out to him, but if anybody man in any way stop the hand of justice then very close attention must be paid to that person to see what is wrong, to see where the irregularities are and I would like to say that I believe that we must pay very close attention to these things.

I just want to say that I stand in support of the bill and I thank you very much.

MR. G. [illegible]: Mr.President, Honourable Members, I am not saying to make a big ado about this bill, no more than to say that I would like to see it cleared in this for technical as the master bill which preceded it. By that I mean at the close of this debate I hope the Second Official Member will make a motion that this bill will also be referred to a Select Committee.

I make say, in spite of this bill, it seems to have some of the procedures that were weaker under the old law are still unfortunately, consolidated in the bill, certain procedures which are essential for the administration of justice.

I would like to especially mention the provision in it for the sale and custody of vehicles in execution which seems to have been one of the lacking of the old law. The procedure under which government would have very cumbersome. If the marshal would take a ride up to the Police Station now they would find certain Volkswagon bus which has been parked there since the 13th of April, 1974. If we live to see next month that will be one year, the Bailiff, rightfully doesn't know what to do with it and this particular vehicle was seized in an attempt to recover taxes, which had been handed down by the Court in February, 1973, so that more than two years have passed and the party or the parties to whom taxes were

HON. G.S.MCCLINTON (CONTINUED): sentence is reversed here and in modern language in accordance with the present practice of the Courts.

Now the next point of doing this is, it is thought, the most desirable way is to provide a new Act and this Bill provides the vehicle for so doing. The Bill preserves the Issues provisions dealing with the duty of the Clerk of the Court, Bailiff and it also contains provisions dealing with the empanelling and trial of cases by jury. It covers such matters such as execution of the process of the Court, scales of costs and fees and certain other procedural matters. The Bill also repeals certain statutes such as the Supreme Court Law, the Judgment (Fees) Law, but it repeals or consolidates or re-enacts the provisions of those laws in the provisions contained in the Bill.

There's hardly much more that I can say about this Bill, Mr.President, except to say that, as I have said before, it is hoped that members will not find any controversial matters in the Bill, as, in large measure, it merely re-enacts and consolidates the present provisions, the chief revisions of the Judicature (Administration of Justice) Law, and I wrote again, in respect of this Bill, emphasis the hope that members will welcome its introduction as part of the Justice and that they will pass it without much debate.

HON. T.V.MACLEAN: Seconded.

QUESTION PROPOSED.

HON. ANNIE E. GORDON: Mr.President and Members of this House, I have not studied this bill very carefully and I could be mistaken but I would like to see written in the law that when we appoint Jurors, especially in a murder case, that they be satisfied and not be bound to seem all over the place. I don't know if it was in the law but in the olden days jury would be empanelled may be for a week, kept by themselves, not allowed to communicate with anybody, even the Police, that they would state their Justice if they wanted anything, but they were not allowed to move from pillar to post and get in contact with ordinary folks and things could happen through gossip that I am sure would not happen if they were organized and kept separated. I don't know if that could be effective in the law, Sir.

HON. JOHN D. DEPRATHOM: Mr.President and Fellow Members, I rise in support of the Judicature Law, 1974. I agree, as another, remembers what I mentioned earlier this morning on a previous bill that I believe that it is time that we bring our system of justice up-to-date.

I am just going to touch on one or two things, both, as Jacob, leading, as to the point. I am sure, Mr.President, that nobody can ignore the fear that within this Chamber within the last couple of years there's been statements made which coincide with the introduction of this Bill saying that it is necessary for things to be brought up-to-date.

I want to endorse the statements just made by the Hon. Elected Member from Georgetown, because I believe that a province of magna carta said 'Justice must not only be done, but justice must appear to be done'. And I think this is one of the weaknesses, and has been a weakness for many times in this territory. I feel that many times one is not so certain about the jury, the evaluation of jury as we should, and how, on important cases juries are said to be all over the place and naturally they are subject to being

MR.PRESIDENT [CONTINUING] referred to a Select Committee. In accordance with Standing Order 62, I appoint the Honourable the Attorney-General to be Chairman of such committee.

HON. JOHN J. KEFFERMAN: Mr.President, I would only like to make one observation in relation to the time that is that I will be off the Island from the 21st of this month, until the 10th of next month.

MR.PRESIDENT: I do note that the Chairman will take into consideration the availability of Honourable Members at Select Committee.

HON.A.W.CORNELL: Mr.President,it is just one point, Sir, on the Quorum of this Committee.

MR.PRESIDENT: Well, it is for the Assembly to direct how many members will form a Quorum, so I am open to proposals from the floor.

HON. JOHN J. KEFFERMAN: I do move that a Quorum of not less than 7,

HON.CHARLOCK BROWN: Mr.President, I will second that motion.

MR.PRESIDENT: Well, the motion is that the Quorum of the Select Committee should consist of at least 7 members. Are there any objections to this motion? I shall put the question, will those in favour please say aye?

MEMBERS: AYES.

MR.PRESIDENT: Those against No. The Ayes have it, the Quorum is accordingly at least seven members.

THE Judicature Law, 1973

CLERK: The Judicature Law, 1973 - Introduction and First Reading.

HON. J.E.MACKINTOSH: Mr.President , I beg leave to move the introduction of a Bill entitled the Judicature Law, 1973.

HON.D.V.KENNAN: Second.

MR.PRESIDENT: The motion is that leave be sought to introduce the Judicature Bill, 1973.

QUESTION PUT: AYES

MR.PRESIDENT. The Ayes have it.

CLERK: The Judicature Law, 1973. Second Reading

HON.J.E.MACKINTOSH: Mr.President and Honourable Members, this Bill is the second one in the series to which I referred when moving the Second Reading of the Grand Court Bill. The Grand Court Bill, as a Court, supersedes the provisions of the previous law, including also the Ordinances. What is to say the Judicature, Administration of Justice Law. However, there are several residual sections still remaining in the latter law, some of which are framed in language of the Westminster Statute and Reasons Statutes, language of the eighteenth century, and it is considered desirable to re-enact those

HON.O. E. MADDRIXON [CONTINUED] intended, at this stage, to take all these bills through to the Third Reading. The intention is to take them through the Committee stage, all of them, the eleven, and not to take any through to the Third Reading until they have all passed through the Committee stage, so that the opportunity will be there, if necessary, if it becomes necessary to make an amendment to one which might affect the others. The opportunity will be there to make all consequential amendments. And I do also note, Mr.President and Members that I can agree for this side of the House and now that if at that stage a motion is moved under Standing Order 69 for referring these Bills, any of the Bills or all of them, whatever, then to a Committee and a reasonable number is shown for such a re-committal that this side of the House would not oppose any such motion, because indeed, if reasonable cause is shown by some Honourable, it would be in the interests of this side of the House as well as the country as a whole, to see that a proper amendment was made to the Bills, and so I think, Mr.President, that matters can rest assured that if any such reasonable motion is made that, so far from being opposition on this side, that this side will be quite happy to consider at the Committee stage the proposals for the amendment and to give them due consideration.

There's hardly anything more that I can say, Gentlemen and Members, but all, at this stage, save that the Bill be referred to a Select Committee of the Whole House to consider the Bill clause by clause and to amend, if necessary.

MR.PRESIDENT: I think, with respect, Mr.Attorney-General, we've got to vote on the Second Reading first before that is taken.

HON.J.E.WHITTINGTON: I apologise for that, Mr.President. I was not sure that the motion be put for the Second Reading.

QUESTION PUT; AYES AND NOES.

MR.PRESIDENT: I think the ayes have it.

SITTING SUSPENDED AT 12.50 P.M.
SITTING RESUMED AT 2.30 P.M.

MR.PRESIDENT: Proceedings are resumed.

REFERRAL OF THE CRIMINAL CODE BILL TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

HON.C.E.MADDRIXON: Mr.President, I beg to move, Sir, that the Criminal Code Bill, the Draft Code, now be referred to a Select Committee of the Whole House in accordance with Standing Order 62.

HON.J.V.WELLS: Second.

MR. PRESIDENT: The question is that this Bill, the Criminal Code, now be referred to a Select Committee of the Whole House in accordance with Standing Order 62, also in accordance with Standing Order 69. The motion is open for debate if any one wishes to speak. If there are no speakers on the motion .....

MISS.ADELE L.EDGAR (INAUDIBLE - MIKE NOT ON)

HON.C.E.MADDRIXON: The Select Committee, Mr.President will point out such time as will be convenient to the Select Committee.

QUESTION PUT: AYES

MR.PRESIDENT: The ayes have it and the Bill is accordingly

Hon. S. Mostyn (continued) ... have been under consideration for the past few years, and whilst it is true that we cease to be a Dependency of Jamaica for a number of years, 17 years I think to be mentioned, the fact is that the Courts and the Judges and the Law Practitioners have been working under the inadequacies of the original system for that period of time and it is felt that it was high time that something be done about it.

I am happy to see that the general principles of these bills will receive the approval of Members generally and I can assure Members that when the bill and the other bills are referred to a Select Committee of the Whole House, as I intend to ask for, after the bill has been read a second time, that they will have ample opportunity to suggest any amendments which they may consider necessary and I should also like to assure Members who have stated, quite frankly and quite understandably that there are many clauses of the bill which they do not understand, indeed even lawyers sometimes and Judges do not understand sections of laws, I shall endeavour, to the best of my ability, to explain anything that may not be understood and to clear up any points that require further clarification.

The Second Member for Kingston Town made reference to the clause of the Bill dealing with the Rules Committee and he voiced an objection particularly to the power of the Rules Committee to lay down the fees to be paid, under the law, but I should rarely like to mention at this stage when the matter comes up for consideration in Committee, I will elaborate further on it but I should only like to mention at this stage that this is usual provision in all judicial systems. In every judicial system that I can find in the Commonwealth there is provision for a Rules Committee to make Rules of Court and to lay down the fees to be paid for services of the Court and to Advocates, what not in our particulars case, section 4 to which the Member referred, there is a further safe-guard, a proviso which provides that no rules shall be made which provides for any increase in fees of Court, without the approval of the Governor - that of course, should have been the Governor in Council and in due course the necessary amendment will be made, so that there can be no fear that the members of the Rules Committee could increase fees without the sanction of the Governor in Council.

Other matters raised such as , for instance, the tenure of office of a Judge that it should be for two years only, and that will be a matter for members to consider in Committee, when the particular clause comes up, but it should be remembered that Judges gain experience by virtue of the tenure of the tenure of office and when a new Judge comes to a new jurisdiction it sometimes takes him time, six years or more — become acquainted with the laws of that jurisdiction and it might well be that to re-institute the tenure of office of the Judge for two years only we will always have a Judge who is not aware of local provisions and who is always, perhaps, at a disadvantage in having this to administer those laws properly.

Well, those matters, as I said, will be considered in Committee and Members will be able to voice their views and by reasoning come to a decision, one way or the other.

So far as making amendments to the bills after they have been through the Committee stage, Mr. President, a great deal of misunderstanding, perhaps, may have been aroused on that particular point. Well as I mentioned in my remarks on the merits of the bill, these bills are all of a greater or less extent, inter-related to each other and inter-linked and it may be, probably will be, that an amendment to one of them might result, or will result, in consequential amendments to the others, and that is the reason why it is not

MR. CHADWICK BRADY (CONTINUED) Chairman, for amendments most of the time.

I do go to court quite a bit. I've heard some of the judges say "I don't why the Assembly should pass something like this", and it is democratic, it is a democratic Government by, as has just been pointed out, by the majority, but nobody don't any the majority - they say the Assembly, which I am perfectly happy to take my saddle, back-back too.

a well-informed citizen, in our Ireland now obsessed, talking to most times, the man said "I never made a mistake in my life". The good, honest politician said "Not just mine one which you said that", and bringing bills to the House and expecting them to be passed immediately, because mine is perhaps wrong with them, this Assembly House will be making a sad mistake. We can find things in them that would help make them better, make them more workable. If it was just one bill I would say yes, agree with them as they come, but its for the - its for all.

Mr.President, while I support all those bills in principle, I am not prepared to agree with them, that is, just off the bat, because it has been said that they are straight forward. I had them for several days, I have done a lot of reading on them, the more I read, the more I see and I think there if just on these bills, at least, want to a Select Committee of the House with the guidance of the Chairman, the Attorney-General, to hear your views on amendments that may be proposed. I think we would get somewhere and I don't think we would destroy anything that is intended about these bills and I give my support, as I said, to these bills, in principle and I will go along to do what I feel is right in my recollection that we get these bills passed so that they can become law to go into effect at the earliest convenient date. I thank you, Sir.

CAPT. D. A. REID: Mr.President and honourable Members, I have to admit this morning that I find myself a bit at sea and lost - about I have never found myself in fifty years before to decide really what is the argument and now I should feel about it. To begin with, if we argue this bill for a week or two in this House, we wouldn't be one jot wiser because I know nothing about law, and I don't propose to tell our native Attorney-General anything which he, no more than he could come or a Bridge of a ship and tell me how to handle it.

I have known this worthy gentleman for many years now, most of him and knew of his integrity for so many years, I don't mind to say, you will know how old I am and I have many confidence in his ability and the legal profession and it is fit, the two of them together with any two lawyers or three lawyers in town, I would rather accept their verdict, knowing that they really don't have any case in mind. The lawyers might have, and very likely would. So under these conditions I support the bill.

MR.PRESIDENT: Will the Attorney-General wish to sum up?

HON.C.E.MACKINNON: Mr.President and Members, I am gratified to see that the atmosphere which prevailed just at the introduction of these bills have cleared considerably and that any misunderstanding which may have existed then has, I believe, been cleared up..

I should like to assure Members that there is no intention whatever to rush these bills through the House. On the second Member for Sutton Iron mentioned these bills

MR. MARK FISHER: (CONTINUING) and I feel, Sir, that these lawyers, although they are classed as being so - I would say, dishonest, is not a fair - everybody now is looking at everything we can, the Civil Servants, lawyers, doctors, everybody - not a soul is working for love and if they do get which article them to reasonable pay. I don't think we should cast any aspersions on them. I would rather say we should cast aspersions on certain Liquidators, who have been appointed - not the lawyers. And I feel, Sir, that as I said, Sam suggesting this Bill to go to a Select Committee of the entire House and I hope and pray and trust, Sir, in your wisdom, you will see that that is the most reasonable thing to do. Thank you, Sir.

MR. SPEAKER: Mr. Attorney-at-Law and Honourable Members, if I have understood from the beginning this morning no member is against any of these Bills before us, in principle, it seems all to feel and understand that these Bills are essential, they are needed and if we are to have a good Government those that are responsible for the affairs of running the country; needs to have the tools to do the job. What seems to have been a little bit of misunderstanding in the effect this morning because one member felt that the job probably could have been done one way and another member felt that it should be done another way. That didn't mean or indicate that any member was against the introduction of the Bill or that its not badly needed. Of those things have to be dealt with in the decision of one or two people, then there is no need for the House to meet to deal with these Bills when they come before us.

The question has been raised more than once - how long you have had the Bill before you? Seven days. I'd venture to bet my head on a chopping block that because any Bill comes to this House it is not dealt with through the Twenty-four hour period before coming on in seven days or less. Yet they take months, they take weeks they take years but Suppose it has been in the hands of members for seven days its felt that we have had ample time, we could find no excuse, for delaying the Bill by asking that it go to a Committee to be further studied, but that it should be passed then and there.

Even this morning it was mentioned that they were just straight-forward Bills - nothing controversial about them. Yet it has taken the Executive Council, I am positive, weeks dealing with these. They have satisfied themselves to bring the Bills to the House after going through them in a period of weeks or months that they see now to a stage where they could be persuaded. May should government feel that we should just accept it as that? We should have the right to study this further than seven days, if we so desire and if the wisdom and knowledge of an expert, in any field or capacity cannot be changed, or in their way of thinking, or doing or expressing things, if that is the right way or the only way, then there is something wrong with the human being because we are all subject to mistakes.

So we just have no excuse it as it is brought before us - it is straight-forward, nothing about it - then just don't bother to bring them in - just put them into law - I mean, if we can amend the Constitution to give Government that authority - let them however try and put them into effect - don't bother to bring them to the House for members; if we can't have some say on them, or if they feel that we can't find anything wrong with them, or if we propose an amendment to them, it isn't worth proposing.

I think I can truthfully say that most Bills that come the House the whole framework, the structure, the foundation is all there, undoubtedly, but don't say that we can't

MISS ANITA E. BODDEN: Mr. President and Members of this House, regretfully I was not present while this debate was going on. I would, Sir, have supported that the Bill be given a second reading but it must go to a Select Committee, not to be rushed through. I mean I agree that we have the Legal Department to guide us, but Officers of the Legal Department are only human beings such as we all are and sometimes I heard a Judge in the Grand Court say that he has taken the advice of people, sometimes a very small child and we can always take advice and two heads are much better than one.

I have no doubt that the Legal Department is doing the job to the best of their ability but they are only human beings and I feel, Sir, that this wrangling on this House is getting to be ridiculous to me. These five honourable Men, or six or seven, as the case may be, are all like me, they are all like us, but the unfortunate thing is that most of them are hunting for power, which I am not.

I feel, Sir, that we must improve our Company Act Law. I was in Court these days with a case which the Land Adjudication Bill was discussed and you know what the Judge said "I might just have to reconvened in Government that this Land Adjudication Bill be altered or amended - I don't know how to give judgment on this case", because there were certain figures which were missing. And we still make mistakes - there's not a human being in the world that is perfect and I am not casting any aspersion on any Judge and those over outside whose lawyers, as they are called. They are classed among the biggest Judge Incariols there is in the Cayman Islands, I will agree. Fortunately, I let my conscience be my guide. I do a lot of work I never get a penny for, but thank God I can always sleep at night. Because I have not ridden over the under-trodden.

But I am saying, Sir, that I support these Bills up to a point. I agree that there are Clauses there which I do not understand but I feel, Sir, that if this went to a Select Committee of the Whole House, and went into these Bills Clause by Clause, we could make certain recommendations that might, perhaps, keep the Bill from having to be altered in six months after it has become law.

I heard a former representative from East End make a statement in this House very years ago, " before the ink is dried on laws we have to amend them". He was saying why not carefully go into these Bills and go into them detailed and correct certain things which we will have then a proper law and not six months after have to amend.

Now I am respectfully saying, Sir, we need Laws, but we do not need these sophisticated laws. After all we have been a Colony for three hundred years and I am sure at least 150 of these years we have had laws and they have kept us beautifully in order up to now. Now every new person that comes here wants their two cents worth they old ones have done and then want something new. When they go they make them reverse again. Can't we be steadfast - if a law needs to be changed, let us change it, but not just for the fun of correcting or criticising what someone else did, and say these laws are all wrong.

I must agree with my colleague from Bodden Town when he says that a Judge should not be here for more than one year - I would say two years, because I personally have had experience in the Court where perhaps I am the most looked-down so-called lawyer in the whole Court House, because I am a woman, but I put my brain equal to any of these so-called graduates when it comes on certain cases. All these high-falutin divorce cases and all the others, I don't go in that category at all, but in the category that I deal in, I do not take second-place.

HON. TRUMAN MORLEY (CONTINUING): that it was just a Democratic Government - it most certainly was, it was passed with a majority vote and this is going to be a part of the Government of these Islands, we must learn to accept and particularly as a politician this we must learn to accept.

Mr. President, it is very unfortunate today, Sir, that there has to take this course, I feel they can be salvaged, if the Members will recollect their thoughts and say to themselves "that we are indeed representing our constituency with our best in our minds", I feel that by delaying these bills is not representing their constituency.

The bill, as it has taken its position today, I can only say that members have been trying to steer it down the course of least resistance. These bills are needed. Members know that the legislation is needed. Surely there are clauses in the bill that members don't understand, are rightly so, as he threw the remarks that may be other members didn't understand - this is why we have our legal advisers. If a question is asked on any clause of the bill this is his job, I'm certain he will take them to advise you on its meaning in detail. I feel certain that no one on this side is trying to railroad these bills in this sitting, but I can't help but think that through the processes of democracy that was mentioned where a majority rules that our friend this morning was trying to put the clamps on their very own representatives in Government. A law that will affect all of the Cayman Islands not just the four members on Executive Council. It will affect you and everyone - all the people in the Cayman Islands.

Gentlemen, I must say that we should stand and take a solid decision on our representation. I would not like to think that this is solely a political progress when, as the old proverbs say 'an abundance of words is a comfort to a fool's heart'. Election is getting close - I agree, but I don't feel that laws of this type that are necessary to the better Government in our Cayman Islands should be treated with such little thought. I believe today that your representatives, which you elected have been doing a job to the best of their ability. We have good legal guidance, surely you don't need to throw it in our faces that we are no lawyers - we know this of ourselves but this is why we have to take the advice of our Legal Department and I would like to add one thing to that, I feel you all have to take the same advice, and I can't help but say that if our legal department has been on strike, I am certain the outside member has gone.

I support the bill in its entirety and I feel certain that members have the right, through the Standing Orders, to re-commit the bill and if there are amendments that a majority vote is given on, it will be amended and this is all we can ask for in this process or this type of Government which, thus far, seems to be the best.

Mr. President, I hope I have not blurred any more feel in the fact but surely members have stated that they have quite and they will on this and they will see that. We would just like to remind members that we have gone two and I would just like to have made a few of these misunderstandings clear - we are not trying to railroad and we are not trying to start anything down anyone's throat. Thank you.

MR. G. HAIG BODDEN: Mr. President, under Standing Order 32 I want to make a statement as a Personal Explanation.

The Member who just spoke has willfully misinterpreted my reference to the Rules Committee and to the Select Committee for the confusion of the House.

MR. G. HAIG BODDEN (CONTINUING) dealt with this in an arbitrary manner?

I look forward to opposing all of these bills - the whole eleven of them at this session - I am just warming up a little.

I am reminded of the last sitting of this Parliament when we were confronted with the Revenue Bills and how we opposed them and how much by the opposition got stronger and stronger. I believe I'll be a real expert in opposition by the time we have gone the full length of these eleven bills.

At this time, Mr.President and Members, I make a formal motion that the bill before us, under the Grand Court be sent to a Select Committee ....

MR.PRESIDENT: I am afraid that is out of order until the second Reading is through.After that under Standing Order 33 a formal motion may be made either that it goes to a Select Committee or to refer the bill to a Committee of the Whole House.

MR. G. HAIG BODDEN: Mr.President, I'll be happy to make the motion at that time.

HONOURABLE TRUMAN BODDEN: Mr.President, Honourable Members. I stand in support, agreement with this bill. All members are aware that others members have mentioned the need for these bills to be up-dated. Our Legal Department has mentioned the need also for the bills to be up-dated for the smoother operation of the Courts. We must bear in mind that our Legal Department,under the auspices of the Attorney-General is Government's advisor - they have made clear that they need to be up-dated and I think that we would be very stupid if we didn't take the advice of the very people that we have hired within our Government for this purpose.

Mention has been made of this bill going to a Select Committee in which lawyers from the private sector would be a part of it. They spoke of monopoly. Mention has been made of the Law Society which is part of the private sector, how pinned the views on it. Nevertheless I would like to draw the inconsistency of the member when he is instigating that members of the Law Society from the private sector should be included on the Committee, but yet they should have no right of helping to set fees. I cannot visualize, Sir, which is worse, wanting fair fees when it is actually their own fees by making their own laws, which they have to battle daily. I think in the true sense of representation to our people, if members will realize that our Legal Department is hired for the purpose of representing our country, on the other hand, the barristers and the lawyers in the private sector represent themselves and their paying clientele. I cannot agree that their advice on our laws at all times now best suited for our people and the common people of these Cayman Islands.

Mr.President, I fail to see how members could say that this bill is being rushed through. They have every right, if the Committee stage to go through it clause by clause. It is a Democratic Government , but one must take time to learn the true meaning of a Democratic Government and that is simple - a majority. It seems like some of us are a bit, shall we say, stewed in our own fat, in their mind that "if we don't agree well, it is not Democracy. I would like to make it very clear that in my years of being in this House there are many things that have gone passed with the majority vote that I personally did not agree with, but I could not say

MR. S. ANIL PERSAD (CONSTITUTION): What do we do is to sit down and examine these Bills and get all the clarifications they can get.

At the end of my debate this morning I will be making a formal motion that this Bill goes to a Select Committee with powers to accept members of the Legal Profession.

We only have to look at what we have done recently. This is the Third Session of this House since the coming into effect of the new Constitution in 1972 and although this is only the Third Session we have already amended laws that were made since 1972. I think it was at the very last sitting that we had such an assortment. This is positive proof that these complicated bills should not be dealt with hurriedly , because I believe that by tomorrow morning certain defects may be discovered in these Bills and we might be called into special session to amend them.

I am not happy at all with the bill - the Grand Court Bill that is before me. There are many things in it that I disagree with. I read about a Rules Committee consisting of the Judge, the Attorney-General and two Legal Practitioners and - further read that this Rules Committee will have the power to set fees. I agree with the Judge, the Attorney-General who are public servants setting fees, but I don't agree with Legal Practitioners setting their own fees - it is only in Jamaica that such a thing would be done. I don't agree with Legal Practitioners fixing their own rates.

I read about the appointment of the Judge and I read the qualifications to become a Judge but there is one thing that I would like to see in it and that is that no Judge would sit in our Grand Court for more than two years, regardless of who the person may be, because Judges have been known to become corrupt (I am not casting aspersions on any Judge in the Cayman Islands), but it is fact that Judges have been known to be bought, they have been known to be corrupted and I feel that in a small place like this, we should not have a Judge that serves for more than two years and I further believe that this is pro office that should never be filled by a local person, because the local person is bound to have many relatives is bound to have many friends, acquired here in the Caribbean, and these are safe-guards that should be written into this Law.

There are so many things about this Law that I don't understand and I imagine there are things that is that the people who supported it do not understand. When I read in section 11 'The Court shall be a Colonial Court of Admiralty within the meaning of Colonial Courts of Admiralty Act 1890' it means nothing to me because I don't know, and I am positive that most members who have blindly supported it do not know. These are things that need research and clarification and then I read in section 13 that the Court shall possess and exercise the like jurisdiction within these Islands which is vested in or capable of being exercised in England by Her Majesty's High Court of Justice and the Divisional Courts of that Court constituted by the Supreme Court of Judicature Consolidation Act 1925, and it doesn't mean anything because I don't know what is in that Act and to any learned, intelligent person it cannot make anything unless that person is familiar with that Act, so I would go in, section by section, for the full length of this Bill, and I could point out things that I do not understand, that I know full well others do not understand but do not have the courage and the guts to say that they do not understand.

We, as elected members, have a grave responsibility to discharge our duties to the electorate in an honest fashion but are we being honest to them when we take a Bill that has taken five years for the Law Reform to draft and has taken Executive Council with all the legal and the technical advice behind them, many days, many sittings to go through? Are we being fair to our people to come back and

MR. SPEAKER M. BILL (CONTINUED): with this, I will be very brief, and I'll end by saying I pray that Almighty God will guide us in our deliberations at this Session and subsequent meetings of this Honourable House and that our decisions will be taken with wisdom for the good of the people of the Cayman Islands. I thank you, Sir.

MR. G. HAIG BODDEN: Mr.President, Honourable Members of this House, from the introduction of this Bill the central theme has been the importance of these bills, and to my mind that is the very reason why these bills should not be rushed through.

I don't know anything about the Law Society, but I have spoken to two prominent lawyers in George Town and both of them agreed with me that these bills should not be dealt with in a hurried fashion. In fact, one of them asked me if I would be kind enough to make a motion asking that these bills go to a Select Committee and that members of the Legal Profession be co-opted to sit on this Committee, so when I hear that the Law Society is all in favour of these bills, I have to take that with a grain of salt. It could well be that some in the Law Society are in favour, but the two men with whom I spoke are definitely not in a one hundred per cent agreement with these bills.

When the very first line of the Memorandum should give the members food for thought. It begins by saying "Now that the Islands are no longer a Dependency of Jamaica we must review the laws governing jurisprudence in these Islands". No longer a Dependency of Jamaica - do you know how long is that "no longer a Dependency?" -Its fourteen years, 1959 was the year when we severed our relationship with Jamaica and I think it was 1962 before we finally got the moral ceiling, but it has been many years since we are no longer a Dependency of Jamaica, so there is no need to rush through these Bills today, because whatever is wrong with the Courts, whatever is wrong with the administration of justice, did not suddenly come about so. It has been with us for the last fourteen years.

These bills are dealing with a procedure which affects the fundamental principles of justice and because of that very fact we as legislators should not attempt to deal with that lightly or unadvisedly. The more one urges the necessity for change in these bills the more one can see the necessity for not hurrying that change.

It is true that the Executive Council Members have had the good fortune of dealing with these bills over a long period of time. I understand that the first one of these bills was drafted five years ago and the others during the interval between the five years and now and it is common knowledge that the Executive Council has been working over-time for many weeks now. It is my belief that they were examining, in detail, the bills which now thrust upon us in this session, so all of this adds up to the fact that members who have the bills now for the first time within the last few weeks should not be in any hurry to deal with bills of such magnitude - bills that will mean far-reaching changes in the procedure of the Court and in the administration of justice.

Why are we making these changes in these bills? The answer is axiomatic - the reason is we want to improve the system - we want to bring it up-to-date, but if we really sincerely want to do a good job, can we do that job in a hurried fashion? As the more one looks at this the clearer it becomes that the elected members, if they want to do a good job for the people who elected them, in the only way they

HON. K. M. CONOLLY (CONTINUED) No better way of looking after the people's interest than to ensure that the machinery, which is going to formulate and to execute the Administration of justice, is in good running order.

We have here, in this Bill, the setting up of a Rules Committee, which is a very important Committee, as the Honourable Attorney-General has said, and even in this, one sees the amount of private input that Government encourages. If you look at the composition of this Board, or this Committee,and you have His Lordship the Judge, the Honourable Attorney-General and two Legal Practitioners who will be appointed after consultation with the Law Society, and the Law Society today consists of the majority of Legal Practitioners in this Island. A cross-section of local and resident practitioners. So here there is nothing in this bill that will not be exposed to scrutiny by members of the public, and surely, this bill has been sent out to members, surely members have had enough time to mend these bills, surely, people have had enough time to acquaint personal friends or acquaintances, our brother legal practitioners on any point, and further, if, in the course of the debate,as we go down this bill, section by section, any member of this Chamber can move that the bill go to a Select Committee or, a Committee of the Whole House. If it goes to a Select Committee, if the feeling is such that we are bogged down with legal interpretation, or legal misinterpretations that are not available to us in the House, (which I doubt very much that you can have from the outside, any matter), but nevertheless, if members feel that way and the motion is carried for a Select Committee, surely the same rule would be applied to this as in any other Committee , where it could be added that the Committee can send for papers and persons.

I would like Members to view this very cautiously - we have before us a bill which is not a law, and I feel sure that we will be satisfied, and I am sure the people who are going to work with this bill are going to be happy,pleased to see that the Legislature has, once more, decided to upgrade these very important bills. As far as I am concerned, I think there is no more important laws and I would hope that we can settle down to these, in this stage of the Bill, when it goes into the Committee stage, inform ourselves of the terms, terminology and the technical aspects of this bill.

Generally, I think this bill is a good bill, I am not for one suggesting that as we go through it there won't be amendments, but this is the normal procedure and this is the right of members of this House that as we go through the bill clause by clause we may amend it as may be deemed necessary. I would hope that Members here take this spirit, let us get into this bill,settle down and consider the importance of the bill rather than anything else. I support the Second Reading of this Bill as it stands.

MR. CLAUDE M. HILL : Mr.President and Honourable Members, I rise in support of this Bill. As a layman and reading the Memorandum of Objects and Reasons saying "now that the Islands are no longer a Dependency of Jamaica it is considered desirable to to provide provisions relating to the continuation of jurisdiction of the Grand Court". Then again "the bill provides accordingly for the continuation of the Grand Court of the Cayman Islands with increased jurisdiction". I am not a lawyer who will be affected here so pawning of this bill, and, as I have said, I am a layman . I am willing to learn, I am willing to listen,what I don't understand I question.

But, Mr.President, I hope that this Honourable House will continue as it has been continuing ever since you have been here, as President of this House, and

HON. W. W. CONOLLY : (continued) carried one and I feel like for the benefit of those in the hearing of this Chamber who might not be acquainted with the procedure and progress of bills, I can report by saying that progress of bills is a very important format. Progress of bills is important that no less than three or four of the sections in our Constitution deal with the progress of bills, and no less than nine sections in our Standing Orders deal with the progress of bills. Surely, it is important when we have a procedure laid down dealing, step by step, with the introduction, the First Reading, the Second Reading, the Committee stage, the Third Reading and finally, the assent and even then, there is a step further. There can be certain withdrawals of laws even after they have been assented to. I am saying this to clear the air as regards circumstances that remarks that could be termed "irrelevant" to this particular bill, on the other hand, the circumstances relate at the instance of the introduction of this Bill.

As far as I am concerned, parliamentary procedure has been carried out - no member of this Assembly, no member of the public of Grand Cayman who would like the opportunity of expressing and opinion on the Bill, would have been denied that privilege, and what we are attempting to do here today is, in my opinion, squarely going into a Bill, introducing it and going into the Second Reading of a Bill, where we can sit down, where we can have the explanation of clause by clause , where we can have the relationship with the new Bill compared with the old law covering the Grand Court where we can see, and we can be told and we can have further explained to us, if we want, the reason for this Bill.

I am sure that most of the sections in this Bill are technical sections, most of the sections, as I see, in this Bill, deal with the style and constitution of the Court, the Seal of the Court, the appointment of Judges, Acting Judges , officers of the Court, Duties of the Clerk of Court, the Officers of the Court, Jurisdiction of the Court, and the different proceedings - the different sessions, the Appellate jurisdiction, the proceedings in Chamber, the powers to adjourn and whatnot, so, in fresh and in fact, the Bill we are dealing with today is a bill that has a lot of technical input and we have here with us, in the presence of the Honourable Attorney-General, a person who is qualified to explain these sections and if members desire, he is quite capable of comparing these sections and these technical terms with the system in other Commonwealth Countries.

I think we need to upgrade laws in this direction and,as he has told us, this is only one of a number of laws that will come before this Legislature in dealing with the whole upgrading of legal procedure and the jurisdiction ofthe Courts and the total administration of justice.

Now we hear by word complaint in this Chamber that the Police not doing their job, the Court is not doing this and not doing the other thing, surely, this is a good opportunity for us to look into some of these most sections of our present legislation and be in a position to review, in the light of experience, certain failings in our present law, and I would think today that members should try to see the urgency, the necessity of having these laws. And surely, it is not the intention of the Government to try to force anything on somebody. These bills are brought in the normal way and even this morning, with a weak, "other bills" we are referred to it three, there has been no worry about introducing these bills, because we feel that if members are really what they say they are, looking after the better interest of the people of these Islands, then there could

MR. JOHN D. JEFFERSON (CONTINUING): I don't believe that we can sit back and be dictated to all the time - I think we have our own minds - I think that we have laws that make provisions for this and when we find we are bottled-necked, we find that we are in a position where the processes through the Court are too costly and awkward, then I think there is only one thing to do and that is to make sure that every provision is made to be able ... to see that the legal procedure in the Court is dealt with in the best manner.

I feel, Mr.President, that we have had these bills for a number of days, for a time, we have the chance to look through them - no doubt there is no question about how fast that and all only lawyers. Nevertheless, in studying these bills as we have an opportunity to when they are brought to a Select Committee, or a Committee of this Whole House, we go through these bills clause by clause, there is no question in my mind that if there is anything in these bills to which I would object in the Committee stages I have every opportunity to be able to object to anything that I feel that would not best serve us. But Mr.President, I must say this that my expectations here in this House has always not been as dark as I have heard it spoken of - I ... God that we still have confidence and I believe that in this Legislative Assembly we have an opportunity of being led - the opportunity in being provided with, certainly, expertise, advice, certainly we have a very capable man in the man of the Attorney-General, as far as we are concerned - to help and guide us and lead us through in dealing with things of this nature.

I am glad that the bill is before us and these other bills are before us, because I don't believe that we should sit back and be spoonfed by anybody - I believe that we must see that our system is brought up-to-date - we must see that certainly every provision, everything is made to be able to make it more workable, and help us to be able to get on with the job, for certainly the courts are bogged down many days and many times trying to get through with all the things that are brought before us.

Certainly there have been a lot of complaints, certainly there have been a lot of complaints brought I have heard many, many members shouting about the system, the way it works - I've heard many people talk about the things we need to do. Well, I believe this is what we are trying to do now and certainly, like I say, we are laymen, in terms that we have to put some trust in people, but my past experience, Mr.President, I feel that we have capable leadership here and I sent, being led with my own conscience, and that of others, depending on the help of other people, we will be able to deal with this law as it is. Thank you very much.

HON.W.M.CONOLLY: Mr.President and Members, I would like to say a few words on the Second Reading, on the merits and demerits of the Grand Court Bill.

Surely, we have heard the objects and reasons of this bill explained to us by the Honourable Attorney-General, and I think it is the concensus of the Legal Department in these Islands, and also the Law Society, that there should be an up-to-date law dealing with the procedures of our Grand Court. Surely, this is something that I would imagine every citizen in the Islands would like to see, because the Grand Court is our Supreme Court in the Islands and it stands for quite a great significance in the community.

Now as I see the situation of the introduction and leading up to the Second Reading of this Bill, I can in no way deny that parliamentary democracy has not been

QUESTION WITHDRAWN

MR. JAMES M.HOLDEN: Mr.President, if I was a man easily moved to tears I would cry in this House this morning for what I have seen . I was hoping, Sir, that we had come to a stage where we were beginning to understand each other, but I can see that power and might prevails in everything and there is no hope. You must have power to accomplish anything, and I am only hoping that one of these days the power can be reversed. I was hoping by my God that I would never have to speak this way in this Chamber again but these Bills, Mr.President, are important bills - they are bills that we, as laymen have to experience with and they should be dealt with thoroughly. We are dealing with something that is going to deal with our entire system of justice and I have to be frank and tell you I am not experienced enough and do not have the knowledge to know what I am dealing with in a bill of this kind and I do not like to be led blindly like lamb to slaughter.

I was hoping in the brief meeting that we had this morning with you, Sir, when I explained my position on this, that it would have been understand and that I would not have had to get up here and oppose the introduction of such one of these Bills and waste the time of the House as will happen now because I can be as determined and bull-headed as the next man, and that I will be in this Assembly this time unless we get a different attitude displayed.

I was hoping that this Bill could be dealt with here expeditiously and we could have taken our time on the outside and discussed this with Attorneys and so forth who have knowledge of things that this relates to and if it was possible then to make an amendment to anything in this law, bring it back and do so quietly and easily, but it looks like we must continually be led, as I said awhile ago, like lamb to slaughter. The only chance we had to intelligently dealing with this bill has now been taken away from us and it could easily have been done by just an assurance - that's why I did not want to block the introduction - all I wanted was an assurance that when it came back to the third Reading we would have a democratic way of handling it by going into it, if there was an amendment proposing it, without having to block eight votes on that side to block us. And Mr.President, I must be frank, Sir, I feel very let down this morning as a Legislative Member, representing my constituency, to know that might and power would prevail and every parliamentary procedure, Sir, as governed by Erskine May's and Bourke' Rules of Order has been completely discarded in this house this morning. I do not feel I can intelligently debate this bill, but I can assure you I will be putting a stumbling block in front of it every-where as we go and the entire 31 of them if I have to sit here until mid-night each night to do it. I'll ask for every division every time a vote is counted, Sir.

SEN. JOHN D. JEFFERSON: Mr.President, honourable members I rise in support of the Grand Court Law. Thank God we live in a free society where we are able to be led by our own conscience and I believe we are man enough here to be able to solve the problems that confront us here in this House with God's help.

The Grand Court Law before us this morning, I believe, comes at a time when there are many, and there have been yearnings to be able to see our Grand Court placed on a higher plane to deal with some of the things that come before us and I feel, deal with it expeditiously.

HON. T.E. RUTTON (CONTINUED) time and money.

Mr.President, I am sure that every Member of this Assembly will agree that the Cayman Islands have now reached a stage of economic and social development which requires, say, demands, that the judicial system should be of the highest and it is with this object in view that this bill, which is the first of a series of some 11 bills is being introduced.

This particular bill provides for the reconstruction of the Grand Court of the Cayman Islands and confers on it the like jurisdiction, within the Islands, as is vested in or capable of being exercised in England by Her Majesty's High Court of Justice and the Divisional Court of that Court. It also gives specific jurisdiction in Admiralty proceedings, in bankruptcy, in the appointment of guardians of persons in the estates of persons of unsound mind and in matrimonial proceedings.

The qualifications for the appointment as a Judge of the Grand Court have been upgraded by providing that an appointee must be a person qualified to practice as a Barrister or Solicitor in England, or in an equivalent capacity in a Commonwealth country, approved by the Governor as having comparable standards for call or admission to practice and, an important further qualification, that person must have so practised for not less than 10 years.

There is also provision in this law for the establishment of a Rules Committee consisting of the Judge, the Attorney-General and two Legal Practitioners to be appointed by the Governor after consultation with the Cayman Islands Law Society, and it will be the function of this Committee to make Rules of Court to govern the conduct of all civil and criminal proceedings in the Court.

In any matter or practice or procedure for which no provision is made by the Law or by Rules made thereunder the provision is made that the practice and procedure in similar matters in the High Court in England will apply insofar as local circumstances permit.

The bill provides for the holding of sessions of the Court, as at present, that is as may on the first Wednesday in the months of January, March, May, July, September and November in each year.

Mr.President and Honourable Members, as I said earlier, this bill is the first of a series being introduced. The others to be introduced will be the Judicature Bill, the Court of Appeal Bill, the Criminal Procedure Bill, the Coroner's Bill, the Imprisonment Bill, the Summary Jurisdiction Bill, the Penal Code Bill, the Poor Persons (Legal Aid) Bill, the Succession Bill and the Cremation Bill. As you announced earlier, Mr.President, all of these bills are to a greater or lesser extent linked with each other and interrelated: they provide, in large part, measures which already exist but which are now convoluted and consolidated in these bills and some new provisions which are necessary to upgrade the Grand Court and to place it on the status of a Superior Court of Justice.

I am sure, Mr.President and Members, that members will welcome the introduction of these bills and, with the possible exception of one of these bills, perhaps the Imprisonment Law, there is nothing really controversial about anything contained in these bills. And I sincerely hope that members will treat them as such and pass them without much debate.

Mr.President, I beg to move the Second Reading of this Bill.

HON. D. V. FOSTER. Second.

HON. M. G. COUNTS: Could we have a division, Sir?

DECISION

AYES

Hon. D.V. Butler
Hon. G.E. Washington
Hon. Craven Foster
Hon. M.W. Donnelly
Mr. John D. Patterson

NOES

Mr. Claude Hill
Mr. James A. Bodden
Mr. G. Haig Bodden
Mr. Craddock Evans
Capt. J.A. Reid

MR. PRESIDENT: Well the result of the division is Ayes 5, Noes 5, which leaves me in the position of having to give a casting vote. I shall exercise my vote in favour of introducing the bill, but I would say that if, because of the nature of these bills where we are taking it together that if, during the course of the Third Reading debate, there is reason for reconsideration, I would hope that the Assembly would exercise its judgment whether to allow proceeding back to Committee again.

The result of the motion is that the bill be introduced.

BILL READ A FIRST TIME AND INTRODUCED

MR. JAMES A. BODDEN: Mr. President, I beg to seek your indulgence again, Sir, in taking objection to you as the President, in the matter of this kind using your casting vote.....

MR. PRESIDENT: I am sorry but the judgement of the Chair in this is completely final. This is quite clear from parliamentary procedure.

We will proceed to the Second Reading.

Order — SECOND READING — THE GRAND COURT LAW

HON. T.J. RUSSELL JACKSON: Mr. President and Honourable Members, this Bill the Grand Court Law is one of a series which it is sought to introduce in order to upgrade the Judicial system in the Cayman Islands and to confer upon the Grand Court the full status and powers appropriate to a Court of superior jurisdiction, to a superior court of jurisdiction.

As Members are no doubt aware, the present judicial system is really a carry-over from the system which prevailed when the Islands were a Dependency of Jamaica and the Grand Court was then somewhat like a glorified Resident Magistrate's Court of Appeal.

Even at the present time the qualifications for the appointment of an Acting Judge of the Grand Court are equated to that of a person qualified to be appointed as a Resident Magistrate in Jamaica.

Now although in the exercise of its criminal and civil jurisdiction the Grand Court is given the same jurisdiction as the Supreme Court of Jamaica. The procedural provisions governing the exercise of its Civil jurisdiction are still based on the procedures applicable in a Resident Magistrate's Court of Jamaica and indeed, the Resident Magistrate's Rules of Jamaica still govern the civil proceedings in the Grand Court.

There are no requirements in these Rules, for instance, in the filing of pleadings with a result that when a case comes for trial before the Grand Court neither of the parties to the proceedings know precisely what are the issues in dispute and this invariably leads to delays, adjournments, often after many and witnesses have come from overseas and a waste of

MR. JAMES W. BOGGIS: to apply before that. And instead of us getting up and opposing the introduction of Bloxam bills which will be time consuming. I am offering to be decent about it and make one concession asking that subject an assurance that when it comes back to the House it will come back fairly in the second stage to where an amendment can be made if its necessary. That's all I am asking, other than that, Sir, I have no alternative but to stand on section 52 on each one of these bills and ask for a vote as they are introduced.

MR.PRESIDENT: I really can't see the Honourable Member's embarrassment. If we proceed with the second reading of this bill today, then under Standing Order 55 the Bill which stands committed to a Select Committee or is going through the Committee stages of the Whole House. If the bill is not down known to the Third reading stage at the meeting there is then provision at the Third Reading Stage at the next sitting of the House for the particular section of it that may be required by consideration of those other bills, so that if we proceed normally the Second Reading and the Committee, this would not preclude seeing that the Committee at the Third Reading at the next meeting. Perhaps the Attorney-General can explain whether that is a correct statement or not.

HON.G.M.MARTINBOROUGH: What is absolutely correct, Mr.President. The First member from Auckland feared that if he had entered his opportunity under standing order 55 that that would be the end of the matter and he would not have any further opportunity of moving an amendment to any clauses of the bill. My Standing Order 55 makes it quite clear that if, on the Third Reading of the bill any member desires to amend or delete any provisions contained in any bill or to incorporate any new provision he may move that the bill be recommitted and if the motion be carried the Assembly simply resolve itself into Committee and any alterations proposed may be discussed. So that Section 55 is still there as a safeguard so to speak, as a step in case the Member at that stage, the Third reading stage, desired to move an amendment.

HON.D.V.JACKSON: Mr.President and Honourable Members, I think I am trying to ascertain determine what the First Member of Auckland Town is getting at. It is, as the Attorney-General has said, there is provision Lady. our Standing Order that when you come back to the Third Reading, then any member may view and oppose it, the Third Reading and suppose should arise and the House will then have to decide whether they will allow investigations then or not. I think what the Member is concerned about is that at this particular sitting the Government side of the House is already smooth now that they could take a vote against the introduction and hold up these bills - but what he is trying to get at, if I may put it, Government Speak to give some assurance if I allow these bills to go through now and apparently he has not had sufficient time to digest all these and if when they come back for their Third Reading he finds that there is something he would not like the Government Bench to vote on this particular bill this session. I think that is, plain and simple, what it is.

MR. JAMES W. BOGGIS: Thank you very much.

MR.PRESIDENT: Well, I think with that exchange, I will put the question to the vote and the question is, that permission be granted for the introduction of the Grand Court Law.

AYES: Ayes and Noes.

MR. PRESIDENT: Is the Honourable Member opposing the introduction of this bill?

MR. JAMES W. ERVINE: Yes Sir, I am opposing the introduction of it, and making a motion requesting that this House ----------/---

MR. PRESIDENT: I am afraid we can't entertain a motion until we have disposed of the present one, which is a former motion for presentation of the bill. And, for explanation of the House, I think that the Attorney-General intends at this meeting to proceed with the first and second readings and the committee stages of the bills, and the third reading motions would not be taken at this particular meeting.

There are eleven bills in the package, each one of which is closely related to the others. The remaining bills will come before the next meeting and I think as the Honourable Member pointed out, there is provision under Standing Order 59 for reconsideration. At the third reading stage, if consideration the second series of bills amendments were required to the first one, which we take at this meeting.

MR. JAMES W. ERVINE: Mr. President, could I ask your indulgence to a point of explanation Sir? Under our Standing Order I have to oppose under section 52, and if we go on section 52 and I am not allowed to state further what we would like to do, we would come to a complete impasse and on section 52 we could have a vote here which would stop all of these bills from going to committee stage today. So instead of that, I do not want to see that happened. What I am proposing is, that instead of stopping the reading of them today, that we get a confirmation from this House that when we come back in to the House under section 55 that we will have an assurance that the bills will not automatically go to the third reading without being recommitted to the second reading. That is my point Sir. Other than that, if I have to stand on section 52 Sir, we may find all of these bills now going into a complete stage impasse of being debated in this House this morning.

HON. W.N. COOPER: Mr. President, if I may at this stage with the indulgence of the House or anyone, I think what is before us is a motion for the introduction of a bill which has been duly accomplished. And the Standing Order says, that if there is an objection, a brief word from the person moving, the person objecting, and then can go to a debate.

But, if I understand the Member correctly, I think his enquiries can be well covered under section 55. Because section 55 states that at any stage during the second reading of the bill, any Member may propose (a) that this bill stands to a select committee or (b) to a committee of the Whole House. And, if I understand correctly what the Member wants, as per (b) under the interpretation of the bill but to be assured that the bills go to a select committee or committee of the whole House and study clause by clause, which I think at that time the Member can move that motion which I think according to pronouncement from the Chair is what has been proposed in any instance.

MR. JAMES W. SORENSEN: Mr. President, could I have your indulgence for just a minute Sir? What I am attempting to do Sir, I am quite aware of section 55, but if we do not get an assurance at this time, then we have no alternative but to vote on section 52. I am only asking for an assurance from the Government Bench, that instead of going into either section 52 or section 55 that we get a plain assurance that when we come back to this House, that the bills will come back for amendments under the second reading instead of automatically to the third reading. Because if we use section 55 Sir, and we go forward the debate under the second reading in this House today and complete the second reading, when it comes back, it comes back with a third reading, and at that time section 55 cannot apply because it is too late. Section 55 is going to have

MR. JACOB M. BODDEN: Would you say it is possible as an experienced Cayman Seaman, for a reef such as abound or exist in the Sports Bay area, and having the small channels that it would not create an undercurrent that would sweep people out to sea that are swimming in the area?

HON. W.W. CONOLLY: Mr. President, this is a matter of opinion, and I would like to receive advice under sub-section 5 of section 25 of the Standing Orders.

MR. JAMES M. RUTLEY: In otherwise, a further supplementary Mr. President. The Member is actually telling us that as a Minister of Tourism he is not interested. Am I correcting - assuming that Sir.

HON. W.W. CONOLLY: Mr. President, I am not the Minister of Tourism, he people with six.

MR. JAMES M. RUTLEY: As a Member of tourism, are you interested in protecting the welfare of the tourist and of the country that they represent as this Island?

MR. SPEAKER: I think that is far too far removed from the original question.

MR. JAMES M. RUTLEY: With all due respect to the chair Sir, the answer that I was given was a very irrelevant one Sir.

MR. SPEAKER: We'll proceed to the next Government Business on the order of the day.

THE CRAND COURT LAW

CLERK: THE GRAND COURT LAW (AMENDMENT) BILL FIRST READING

MOVED BY HON. G.E. HAIG-MATTHEW, SECONDED BY HON. D.V. MUTLER

MR. JAMES M. RUTLEY: Mr. President, and fellow Members, under Section 52 of the Standing Orders of the Assembly, I beg to make a motion in regards to this Sir. And, for brevity sake, being we're having I think about eleven bills to come before the House in this sitting.

Most of them being lengthy bills, and bills which the average layman like myself has very little bit of knowledge on, I would seek the indulgence of this House that one, or the other methods be adopted. Either we refer each of these bills as they come before the House to a Standing Committee of the whole House which with powers to compel that witness go into session by section on these bills and get expert advice it decided, as an alternative from this House that we go through them now and that when the bills are recommitted for the third reading, that at that time it would be agreeable to the House that if any Member should be able to come up with an amendment to any section of the bill at that time, that the House would be willing to recommit it to the second reading before we finally go to the third reading. I think that would probably be the most simplest thing for us to do, because it would give us the chance to get the salient part of these bills completed, but it would leave us the opportunity that if there were something considered to be wrong in them, we'll have a chance to come back and debate it in this House.

So, Mr. President, with your permission under section 52, really I would seek the indulgence of this House at this time to entertain a motion that what the bills come back for the third reading that instead of them going formally into the third reading that they be open at that time for - in the Committee Stage for a few minutes, that the Members could pass an amendment if there was one.

HON. D.F. KAUZLO: When that explosion did take place some fifty years ago, at that time the Public Works Chief Engineer came up and tried to reassure that the building that was put and erected was as safe as possible when it was replaced.

MR. CHARLOCK BRACKE: One last question Mr. President. Will the Member say in his humble thinking since he is not an expert on dynamite --

MR. PRESIDENT: I think the Honourable Member is calling for an expression of opinion which is not permitted.

MR. CHARLOCK BRACKE: A subsequent question then Mr. President. Will the Member say it would be safe by the road.

HON. D.F. KAUZLO: I am afraid, I don't know.

MR. PRESIDENT: The last question will have to be delayed because the Honourable Member has not answered to ask it.

We'll move on to the third question on the order of the day.

HON. W.W. SCOLLY: Mr. President, the Member is asked: -

QUESTION: In view of the number of coastal tourists, by choosing on several areas of the Cayman Islands, whether it is proposed to erect and post signs on the various beaches advising users of the current, under tows, etc.?

ANSWER: As far as I am aware, no deaths of tourists have occurred as a result of currents or undertow. In as much as there has been no accurate survey of the currents around the Cayman Islands, it would be difficult if not impossible to take the action suggested by the questioner at this time. However, if the Marine Natural Resources Survey, which includes some study of the currents, reveals that areas with dangerous undertow exist, action will be taken to publicize these areas.

MR. JAMES M. BODDEN: Mr. President, a supplementary. The answer has given in a bit of hogwash. Could the Member tell us whether he is aware of the recent drownings in the sports area. A local beach with good protection, the small channel in which the local people know that usually there is a lot of undertow created in the mouth of the channel area. And whether he could tell us if it would be of any advantage to have a sign indicating caution at such a thing like

HON. W.W. SCOLLY: Mr. President, would it be too much to ask the Member to please rephrase the question. It was a bit, I think it was asked in two parts, if I could get it more clearly probably I'll be more capable of answering.

MR. JAMES M. BODDEN: In the number seven that in the past year or year and a half there has been two deaths by drowning in the area of sports beach.

HON. W.W. SCOLLY: I am aware that there have been drownings in the Sports area.

MR. JAMES M. BODDEN: As a local person, would you happen to have knowledge that that area could be affected by the two small channels which exist in the reef, and thus creating undertows for anyone using that area.

HON. W.W. SCOLLY: I have no personal knowledge of the current or the action of any undertow in that particular area.

HON. D.V. KOTLER: Mark everything can't be done at once, and we had set the Regulations, we had to have someone that would know how to implement it and how to make them go for us. And I am sorry if we've taken more time on it, but we are now doing it.

MR. CRADDOCK BOURNE: Mr. President, I thought we had Legal Draftsmen for that.

A further supplementary. Does Government feel that road on the zone with the growth in traffic is the proper place for such quarrying to continue?

HON. D.V. KOTLER: The first part of the question, when you mention about the legal drafting. The legal drafting and the legal department puts into law what you would like him to put down. And until he knows what you want him to put in, they can't do it. And then even the Legal Draftsmen are not really experts on explosives.

Now, in respect to whether that is a safe place or not to have, this will be covered myself and them into what these Regulations come into effect.

MR. CYRIL M. KELLY: Mr. President, if I am permitted to put the first Official Member's question, I would like to find out if in blasting using dynamite in the area mention in the question here. Has consideration been given to discharging dynamite in a distance of a public road compared with the relationship with firing a shot gun certain distances from the road. And also I would like to see embodied in the law when it becomes a law.

HON. D.V. KOTLER: Only these matters and rocks are being taken care of into these Regulations, that are being drafted now.

MR. CRADDOCK BOURNE: Mr. President, I don't know if I understand if that was the question I asked. If it was Government intention to let such a project as quarrying stone by the road continue, is Government intend to move about the removing of such from by the road.

HON. D.V. KOTLER: The Government at this time cannot say whether that is the proper place or it is not. We are waiting for these Regulations that will tell us whether it can be done there safely or not. All of this is based on the law.

MR. CRADDOCK BOURNE: Mr. President, if I may say this: A few years ago Government was doing a bit of blasting with thirty percent I think, one shall admit into the district of Porto Plata, and where one stone went, it went through the roof of a dwelling and out of the window was approximately the distance from here to probably Verrons' store on Blenkins Road. What I am concern about is with these hundred blast probably going off at one time what would be the safe distance, then with this being done by the road to maintain and life, and what not.

HON. D.V. KOTLER: I am not an expert on that blasting, so I am really at a disadvantage. But I would think that a lot depends on the desire and the type that you are blasting in, and if it is a loose stuff and very soft stuff it might blast it and blow it considerable distance. If it is a hard stuff it might not do as much damage.

I don't know, I really don't know, and I would think that all of this will all precautions and necessary safety will be built into these Regulations.

MR. CYRIL M. KELLY: Mr. President, one other supplementary question sir. The storage of dynamite at present, could you say how far from the road where it is being kept and stored? The reason for asking that is because we had an explosion unknown some years back, and with the storage in the present area it could occur again.

REP. D.V. MUTTER: Again, I don't know. I can't answer.

REPR. J.A. REID: Mr. President, I would like to ask a question on this subject. The Honourable Member if he can say that all necessary measures are taken to ensure that these explosives does not get in the hands of unscrupulous people who would use it for blasting fish.

HON. D.V. MUTTER: In the best of our ability, we are trying to under the present laws that we have. But again as I've said, when we get these regulations they will stiffen the law and allow them to be able to control even better.

MR. JAMES V. MUDDEN: A further supplementary. Could the Member advise us whether Government has taken any steps in regards to ensuring that fuse which is highly explosive, that area is not struck by lightning and other hazard.

HON. D.V. MUTTER: The public works and the Traffic Department are endeavouring to ensure that anything happens to block the road or to cause accidents. But again all of this will be contained in these regulations that are being drawn, and these are pretty well on the way now. These draft Regulations they should soon be in force.

MR. JAMES V. MUDDEN: A further supplementary Mr. President. Those eighteen months to the years ago, a motion I moved this House that a blockade would be erected by the side of the road there to prevent explosion in disaster planted. Could we be advise whether are steps going to be taken to implement that motion.

HON. D.V. MUTTER: I stand think that all of these things will be contained in these regulations. And there is also the public works advise that is here has had many years of experience in dynamiting and the wise expert, but he has many years of experience in dynamiting and blasting, and explosives, communication and every other conceivable form or explosives. So that until now we did not have really good expert advice on this type of operation.

MR.O. ERIC EDWARD: A supplementary Mr. President. Will the Minister give us a guarantee that when they put around in making the draft regulations, that the Regulations would include that the Traffic Department of the Police Force be notified in advance of the setting off of a blast, so that the proper road safety measures can be carried out.

HON. D.V. MUTTER: I would take this of the Member to the Committee that is drafted, because I am not too sure all that is in it. As I've said, I am expecting it will be there, but I certainly take the wish of the Member to the Committee so that they will know this see not the House.

MR. CHARLES EDWARD: Mr. President, a further supplementary: Can the Member say if this is the first relevance seen the Public that has been brought to the attention of Government.

HON. D.V. MUTTER: Speaking from memory, I think we have had before this cases of complaints in regard to dynamiting. But as I have said, we did not have the Regulations on which we could control. And that is what we've been trying to get.

MR. CHARLES EDWARD: A further supplementary Mr. President. Whom why wait all of these years to find ways and means of having getting a regulation to cover such a thing as important and as dangerous as this.

MR. SPEAKER: Please be seated.

Proceeding with business. Before we move on with today's agenda, I'll like to say that during the course of the earlier yesterday a petition was handed to the Clerk which has been examined, and it is not in the form which should come before this Assembly as a form of petition. In fact it was addressed to His Excellency the Governor and it has been endorsed by the Clerk to the Governor for appropriate action.

Well, we'll proceed with the first item on the agenda, "Questions".

HON. D.V. HASTINGS: Mr. President and Honourable Members, the first question is by the Right Elected Member for Bolden Town.

QUESTION: Various complaints having been received will Government investigate the matter of large charges of dynamite in the area adjacent to the public road at Spotts.

ANSWER: Sam,

For sometime the Government has been examining the position regarding the whole matter of explosives in these Islands and as there are at present no Regulations, the Government was endeavouring to obtain model laws.

On the 15th January the Government received a petition signed by a number of persons resident in the area of Spotts, through the First Elected Member from Bolden Town, complaining about the charges of dynamite that were being set off. At that time the Governor replied informing the Member that the Government was concerned and had been trying to secure the draft Regulations, and that a Committee had been set up to examine the whole position, and that the Chief Engineer had been requested to contact the explosive with a view of ensuring that the charges set off would not be harmful. The Chief Engineer and the Public Works Adviser have spoken with the operator.

On the 30th January the model Regulations were received and have been passed on to the Committee who are now in the process of drafting the Regulations which will control the importation, handling and use of explosives.

MR. JAMES M. SMITH: A supplementary Mr. President, I really appreciate the assurance that I have gotten from Government on this matter, and this may indeed just be all a little bit more information.

Could the First Official Member advise the kind of charge that is now being allowed by the Public Works, that is sound wise.

HON. D.V. HASTINGS: No, I am afraid I can't.

The Public Works Chief Engineer and the Public Works Adviser they went up, and we have said. There is nothing in our Regulations to say. We don't have any Regulations indeed. In fact we have no Regulations that would be able to control. All they could do is go there, discuss with him, ask him to try to reduce the charges and try to keep it down so that it did not cause any damage. At the same time there are working on urgently as they can now on these Regulations which will control everything for the future.

MR. CLAUDE K. HILL: Mr. President, with your permission sir, I'll ask the First Official Member if an investigation went in as to what percentage were they using when the petition came in.

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ORDER OF THE DAY

WEDNESDAY, 13TH MARCH 197-

1. PRIVATE MEMBERS' QUESTIONS

(i) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE D. O. WALKER, OBE, J.P. SENIOR OFFICIAL MEMBER

VARIOUS COMPLAINTS HAVING BEEN RECEIVED WILL GOVERNMENT INVESTIGATE THE MATTER OF LARGE NUMBERS OF DOGFISH IN THE AREA RELATIVE TO THE PUBLIC HEALTH OF SPORTS?

(ii) MISS ANNIE E. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, HON. DR. J. KYCIER, OBE, J.P.

HAS ANYTHING FURTHER BEEN DONE BY GOVERNMENT TO PURCHASE A SUITABLE BOAT FOR THE POLICE DEPARTMENT? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE IF AND WHEN THE BOAT WILL BE PURCHASED?

(iii) MR. JAMES M. BODDEN (CONSTITUENCY OF BODDEN TOWN) TO ASK THE HONOURABLE W.M. CORRELY, OBE, C.P. MEMBER FOR COMMUNICATIONS.

WOULD THE HONOURABLE GENTLEMAN IN VIEW OF THE NUMBER OF DEATHS OR ACCIDENTS BY DROWNING IN SEVERAL AREAS OF THE CAYMAN ISLANDS, WHETHER IT IS PROPOSED TO ERECT AND POST SIGNS OF THE VARIOUS DANGEROUS BEACHES OR TOWN CROSSROADS, UNDERTAKERS, ETC.?

2. GOVERNMENT BUSINESS

BILLS:

(i)	THE SPORTS (BOAT) LAW	- First and second readings - Committee thereon.
(ii)	THE JURISDICTION LAW, 1975	- First and second readings - Committee thereon.
(iii)	THE COURT OF APPEAL LAW	- First and second readings
(iv)	THE CRIMINAL PROCEDURE CODE-LAW	First and second readings
(v)	THE CORONER'S LAW 1975	- First and second readings
(vi)	THE INTERPRETATION LAW	- First and second readings

THURSDAY, 13th March, 1975

HIS EXCELLENCY THE GOVERNOR, HON. THOMAS ROBSON, CMG - PRESIDING

GOVERNMENT MEMBERS

Hon. D.V.Walker, OBE., JP	First Official Member
Hon.G.E.Waddington, CBE.,QC	Second Official Member
Hon. Trevor Foster.	Member for Lands Co-ordination and Information.
Hon.W.W.Conolly,OBE.,JP	Member for Lands and Natural Resources Tourism and Agriculture

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Annie M.Bodden	Second Electoral District, George Town
MR.Claude M. Hill	Second Electoral District, George Town
Capt. A.A.Reid	Third Electoral District, Lesser Islands
Mr. James M.Bodden	Fourth Electoral District, Bodden Town
Mr. S.Haig Bodden	Fourth Electoral District, Bodden Town
Mr.Craddock Ebanks	Fifth Electoral District, North Side.

ORDER OF THE DAY

TUESDAY, 30th MARCH, 1976

1. PRIVATE MEMBER'S QUESTION:

MISS ANITA P. PERRY (CONSTITUENCY OF CENTRAL TOWN) TO ASK THE HONOURABLE Miss Official Member, Hon. C.F.MARSHALL, Q.C., J.P.

HOW MANYTIMES FURTHER BEEN DONE BY GOVERNMENT TO PURCHASE A SUITABLE BOAT FOR THE POLICE DEPARTMENT? IF THE ANSWER IS IN THE NEGATIVE, WILL GOVERNMENT STATE IF AND WHEN THE BOAT WILL BE PURCHASED?

2. CONSIDERATION OF REPORT ON SECOND READING OF THE CUSTOMS LAW, 1975

3. THE IMPRISONMENT LAW - FIRST AND SECOND READINGS.

4. PRIVATE MEMBER'S MOTION :

TO BE MOVED BY MISS ANNIE A.BODDEN (CONSTITUENCY OF CENTRAL TOWN) TO BE SECONDED BY MR. JOHN CHEERS (CONSTITUENCY OF WEST END)

WHEREAS in many of the shops in Supermarkets and Book Stores, obscene literature in the form of Magazines and other Books, the sending of which can only tend to increase immorality, gambling and other things of baser aspects, are for sale:

BE IT RESOLVED that Government take steps to have such Books and/ or Magazines banned and added to the list of Prohibitive Publications, in an effort to stay the immoral trend among people of all ages, and especially the young people of the Islands.

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THURSDAY, 20th March, 1975.

10 a.m.

Mr.President: Please be seated. Proceedings are resumed.

QUESTIONS

MISS ANNIE R.THOMPSON (Miss Windsor Number (GEORGE TOWN)
TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, HON.D.V.MARTIN

Has anything further been done by Government to purchase a suitable boat for the Police Department. If the answer is in the negative, will government state if and when the boat will be purchased?

HON.D.V.MARTIN: MR.SPEAKER: The Government is considering the advisability of purchasing a new boat for the Police Department and as yet no firm decision has been taken, as a Drug Section in the Police Department will be established shortly and the decision will be based on the operation and success of this new section.

SUPPLEMENTARIES

MR.CRAIG HILL: Mr.President, with your permission I would like to ask the First Official Member as supplementary question and that is he said that the Government will be establishing shortly in the Police Department the purchase of this boat, and I would like to know if they have considered what type of boat that would be used for such an operation?

HON.D.V.MARTIN: I said that a Drug Section will be established in the Police Department and the decision will be based on the operation and success of this section, so that at that time then we will decide the type, size and everything else.

MISS ANNIE R.THOMPSON: Mr.President, with your permission I should like to ask the First Official Member is there any reason why this purchase has been so long delayed?

HON.D.V.MARTIN: The reason for the boat is for the prevention and control of drugs and that we are trying to get this section set up, we are working towards it.

MISS ANNIE THOMPSON: Mr.President, again with your permission, I should like to ask if it is only for the drugs operations that the boat will be used? Is it not necessary, when, for instance there is a boat at sea, or some ship missing should we not have some boat that we could get to have make a search?

HON.D.V.MARTIN: A boat that would be used to go and search how far do you expect a boat to go? Is it an ocean-going boat that you are thinking of in this case, and a big boat that is going to require a whole crew, or is a type of a coast-guard boat you are thinking about?

MISS JOHIE SOLOMON: Mr.President, again with your permission, I feel that we should have a boat that at least could go to Cayman Brac with two or three crew as the case may be. I cannot see why we should not have a boat large enough and good enough to go to, say, Cayman Brac, 60 miles out.

MR.SPEAKER: I think that's rather a statement rather than a question, but it is in answer to the Honourable Chief Secretary's request the use, and I will permit the statement.

MR.CLAUDIUS WATLER: Mr.President, with your permission I have another supplementary question I would like to ask and I have tried to make it clear that the Cayman Islands consist of three Islands and the question I am going to ask is if the boat will be capable of covering the three islands as well, is it be just for Grand Cayman?

HON.D.V.WATLER: That will depend on the operation, as I said before of this section which which advice on it.

MR.JOHN JEFFERSON: Supplementary - if I understand you correct, First Official Member, if I understood you correct you said there would be an establishment of a new section - how does that section deal solely with drugs? Is that correct?

HON.D.V.WATLER: I would refer you to the Throne Speech itself in which it was stated there.

MR.G.HUGO HEWITT: Mr.President, supplementary question. I would like to ask the First Official Member to explain why the vast horsepower put before the house in his reply? It is stated that the purchase of the boat will be dependent on the success of the Drugs Section, instead of the success of the Drugs Section being dependent on the purchase of the boat.

HON.D.V.WATLER: I am afraid , Mr.President, I'm not too sure how to answer that and I don't know whether it is a statement or question or what it is to be frank, Sir.

MR.G.HUGO HEWITT: Mr.Speaker, if I may I am allowed an explanatory statement. In the Traffic Department their success depends on the use of Radar or patrol cars and speed-boat, in the Drugs Section their success would depend on the use of a boat. but here we are told that the boat will only be purchased if the Drug Section is successful. It would be the other way around that the Drug Section would be successful depending on the purchase of the boat. Can he explain why the cart has been put before the horse in this particular situation.

HON.D.V.WATLER: In the instance that the member has quoted about the car for the Traffic Section, we had a Traffic section first and then advised on the type of car that it would be necessary to have and this is what we are doing.

MISS ANNIE H.RUTHERFORD: Mr.President, with your permission I would like to ask if the First Official Member could inform me about when will this Drug section of the Police Department be established?

HON.D.V.WATLER: I quote again from the Throne Speech which says that it should be in about six months time, within six section.

CONTINUATION OF THE DEBATE ON THE SECOND READING OF THE LOTTERY'S LAW, 1975

MR.CHADDOCK EBANKS: Mr.President and Honourable Members, according to the agenda it seems it rest be only myself left to say something on this bill.

Well, I don't feel that there is so very much that I should try to say at this time as it has been agreed, I would say, in principle, that after a short debate do these they will go through all the machinery and I wouldn't attempt to go down section by section in the bill but there seems to be in my reading through this bill, starting at the Memorandum of Objects and Reasons

MR.CARLOCK TERMS (PROVINCIAL) that I didn't feel so happy about. And I don't feel that I could apply myself in the place at this stage to agree that this law, this Bill should become law without juries.

Now when one, a decision is left in most cases into one persons, it doesn't seem to be the best thing anyway you take it. I could ask the question, not saying that I am asking the question or the answer at this time, well, I wonder how long that jurors have been established of a law established for jurors at a Coroner's inquest dealing with a case. It is not a case then being tried as to judgment. In other words, if someone is refused on murder or manslaughter as they say in charged or whatnot, the only a hearing be try to decide the issue as to whether the accused should be sent to trial. And I don't feel that this is fair to any accused for the decision to be left wholly and solely with the Coroner or the Magistrate who may be carrying these duties. While he does have to make a report I don't think still that its fair to the accused, even though he has to make this report to somebody else.

I can't say I say eye or understand or I don't know that I could agree. When we get into Committee stage dealing with this that we can better ask questions, get explanations, get reasons for it because this time, then the reasons the good ground the good hearing the good sounding for it might be better made clear to me than is now in the Memorandum of Objects and Reasons.

I don't feel, Sir, that it a good step, it we want better laws and that's what we are trying for, but we shouldn't deprive anyone of proper justice.

I listen in the Courts a lot, when they have a jury case the Judge makes it abundantly clear "You are the sole judge of the case on the evidence that you may hear and are explained within yourselves" and why should this all be left in the lap of in the hands of one individual.

Mr.President, in the light of that I want say anymore on this Bill but I felt very, very strong about this and I am glad that I have the opportunity of saying these few words on it this morning. I don't know who spoke on the Bill from who hasn't or what have been their feelings, but I notice this as one of the strong objections in my feeling of worrying that these jurors should not be selected from a Coroner's Inquest. I think it is going to be very, very unfair to accused people me with that, Mr.President, I won't, does with these few remarks and hope that we all will agree to see the need of justice and that there would continue to be jurors sitting in on these Coroner's inquests.

MR.PRESIDENT- Does all who desired to speak on this Bill, spoken?

MR. JOHN B. JEFFERSON: Mr.President.

MR.PRESIDENT: I think the Honourable Member spoke to this motion yesterday. It is recorded in the minutes of yesterday.

MR. G. HUGH BOWDEN: I agree with that, sir.

MR.PRESIDENT: It is recorded in yesterday's proceedings. It is so recorded in yesterday's minutes on having spoken. Are there any other persons who desire to speak? Then I shall call on the Honourable Attorney -General to reply.

HON.G.F.WOODINGdis: Mr.President and Honourable Members, the only objection which, as far as I can gather from the speeches made in this House to this Bill is that it makes no provision for the impanelling of a jury to hold a Coroner's inquest. Reference was made by some speakers to members of this House, namely, and I quote - "The jury is the cornerstone of British Justice", another quote "We should not do away with a system that has worked well over a hundred years". Another quote "Any of us can put into terrible and justice would be better served if a jury was impanelled to hear the case", and one speaker asked if a Coroner's inquest was not a trial within a trial.

I think Mr.Presidents and Members I will deal first with the last question, is a Coroner's inquest a trial within a trial. The answer, Mr.President is emphatically no. A trial within a trial occurs when during the course of a trial of someone who has been charged with an indictable offence and that charge is being tried before a jury with the prisoner in the dock. There is some bit of evidence which the Crown intends to lead and of which defence counsel is aware from the depositions and to which he would like to make an objection on the grounds that it is inadmissible evidence. In that case, Mr.President and Members, it would be inadvisable and wrong for the jury to hear the evidence until the judge has decided whether or not it is admissible. And in those circumstances when that stage of the evidence is reached the judge requests the jury to withdraw from the court room and then the evidence is heard before the judge in the absence of the jury and Counsel on both sides make their submissions on the law and then the judge decides whether or not that evidence is admissible. If he rules that it is not admissible then that is the end of the matter. The jury returns to the court and that evidence is excluded, but if, on the other hand, the Judge ruled that the evidence is admissible then the trial proceeds and that evidence is given in the presence of the jury. That is what is known as a trial within a trial. In other words, the point is that there is a trial in existence and then there is this sub-trial in the absence of the jury to determine the admissibility of the evidence. That process, Mr.President and Members cannot take place in a Coroner's inquest for the simple reason that there is no one on trial, there is no one in the dock and all the Coroner is doing is to enquire into the circumstances touching the death of someone.

I was grateful, Mr.President to the Honourable member for Tamarin and Lunar and Natural Resources for his speech in explaining the differences between a Coroner's inquest and a trial. In a trial, as the Honourable Member rightly observed, there is someone in the dock against whom a charge has been made in a Coroner's inquest, as the word inquest implies, the inquest is simply an enquiry into circumstances touching the death of a person: no one is on trial, there is no one in the dock and as the Coroner's law requires, all that the jury are required to find are the matters set out in the law and these are -the coroner Required the jury to do as follows -

> After the evidence the jury shall give their verdict and certify it by an inquisition in writing, setting forth, as far as such particulars have been proven to them, who the
>
> Dead, who the deceased was, secondly how, thirdly when, fourthly where the deceased came by his death, and if he came by his death by murder or manslaughter or by reckless or dangerous driving within the meaning of the Motor Vehicles Law, the persons, if any whom the jury find to have been guilty of such murder, manslaughter,etc.

and that section is there not to say that where a Coroner's inquisition charges a person with the offence of murder or of manslaughter,etc. or being accessory before the fact to a murder,the

Hon.C.E.McGUINNESS (CONTINUED): Coroner shall issue his warrant for arresting or detaining such person (if such warrant has not previously been issued) and bind by recognizances all such persons mentioned by him as know or declare anything material touching the said circumstances to appear at the next sitting of the Grand Court then and there to prosecute or give evidence against the person so charged.

So the point is, Mr.President and Members think no one can be convicted of any offence simply by the finding of a jury at a Coroner's inquest - all the jury can do, all the inquisition can do is to charge someone with an offence in cases where it is established that death was caused in circumstances amounting to murder, manslaughter or causing death by reckless or dangerous driving. All they can do is to charge someone with that offence and therefore that person must be tried before the Grand Court and a jury, which jury is then in a position either to acquit, discharge or convict the accused.

Now this process of the Coroner's inquest, Mr.President and Members I submit to us more than a preliminary enquiry, a preliminary enquiry into the matter as a result of which someone may or may not be charged and tried at some future time in the Grand Court and the reason for this statement is not by mere say-so, Mr.President and Members but I should like to quote from Halsbury's Laws of England, now Third Edition, Volume 8 at page 536, paragraph 1009 and Halsbury's Laws of England, as members will know is one of the greatest authorities on the English legal and judicial system, and the statement reads as follows -

> A Coroner's inquest, being but a preliminary enquiry which may or may not end in a criminal charge against a particular individual, the inquisition is in no sense conclusive and anyone affected by it may test its authority and traverse its findings.

Now, Mr.President, we now have professional registrars in the Summary Court of Cayman Brac and each registrar at present is empowered to conduct preliminary examinations into all indictable offences and indeed, in cases where the authorities allow a charge of murder or manslaughter be preferred to hold a preliminary examination without a jury, please observe, with a view to committal to the accused for trial before any Coroner's inquest is held. Now if a magistrate is empowered to conduct a preliminary examination, without a jury, in cases of murder and manslaughter, then Mr.President and Members I feel to see the virtue in empowering him to transmit a jury to achieve the very same purpose that would be achieved in the case of a Coroner's inquest.

It would seem to me, Mr.President that with the provision for the appointment of professional registrars, as I have said, in Cayman and all the powers vested in each registrate to conduct a preliminary examination in indictable cases without a jury, that the argument for having a jury in Coroner's inquest is really untenable. The fact that it has existed for may be one hundred years, I think is not a relevant consideration. The criminal procedures of all countries are being updated and the archaic provisions that existed in the dim distant past, are in many cases, being done away with and rightly so and in my view of a provision to do away with a jury in a Coroner's inquest, a jury who have to sit there and solemnly swear to a finding if a body is found in the way that the deceased may, may be met his death and even although it is quite clear that no one

HON.G.E.GODDINGTON (CONTINUING) could be criminal responsibility to have the seven men sitting there solemnly making a finding of fact that [illegible] to my mind, Mr.President, it is utterly absurd and I would sincerely recommend, in all sincerity to Members of this House the acceptance of the provisions of this Bill which will result in modernising our judicial system and doing away with an anachronistic process of the law.

I submit, Mr.President, that we move the second reading of this Bill.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

REFERRAL OF PRISONER'S BILL TO A SELECT COMMITTEE OF THE WHOLE HOUSE IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 55 (b) and 52

MOVED BY HON. G. E. GODDINGTON

SECONDED BY HON. D. V. WHITTAKER

QUESTION PUT: AGREED TO REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

MR.PRESIDENT: And in accordance with Standing Order 52 I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee. In accordance with yesterday's decisions the quorum of this Select Committee will be at least seven members.

QUORUM AT LEAST SEVEN PERSONS.

THE IMPRISONMENT LAW

CLERK: THE IMPRISONMENT LAW - INTRODUCTION AND FIRST READING.

MOVED BY HON. G. E. GODDINGTON

SECONDED BY HON. D. V. WHITTAKER

QUESTION PROPOSED

QUESTION PUT: AYES.

CLERK: THE IMPRISONMENT LAW, AMENDED HEADING

MOVED BY HON. G. E. GODDINGTON

SECONDED BY HON. D. V. WHITTAKER

HON.G.E.GODDINGTON: Mr.President and Honourable Members this Bill seeks to abolish the present Prisoners' law which is considered to be both impractical and inadequate and the object of the Bill is to replace those provisions with provisions which are considered to embodies the most enlightened methods of penology in force in several countries throughout the world.

The provisions of this Bill, Mr.President and Members, are designed to establish a prison service which it is hoped will, to some extent be self-supporting by providing working inducements to prisoners to work, either for a Government Department or for the private sector, private persons, for which a charge will be made by the service, a portion of which charge will be payable to the prisoner and so enabling him a fair chance of rehabilitation after serving sentence.

Habitual Drunkards, Incorrigible and Undesirable Members, the basic idea behind penology is to provide great discretion in which the accent is not so much upon punishment but upon rehabilitation and an important factor is to see that offenders may be returned to society with a little of the stigma of imprisonment as possible so that they can more readily and easily adapt themselves to society.

Experience has shown, Mr. President and Members that in countries where this modern approach to penology has been introduced there usually is a group of a minority of offenders who may be classified as "hardcore criminals" for larger majority of offenders benefit greatly from the new methods and it has, in fact, resulted in statistics in those countries which show in a great reduction in repeated offences.

And it is with a view to following these modern and enlightened trends that this Bill has been introduced. And at this point, Mr. President and Members, I should like to make reference to a report on - I should have liked to have made reference to a report. Unfortunately on the conclusions that were reached at a Conference that was held recently in Jamaica on the prevention of crime and treatment of offenders in Jamaica at which I had the privilege to attend, but I have just observed that the report is headed "Confidential - not for publication or general circulation". So, regretfully, Mr. President, I am unable to quote from that report. Not so far as I am concerned, I was a delegate at the conference and I can inform members that it was the unanimous views of delegates - it was the conclusion that it was well worth while for developing countries, certainly so in the Caribbean area to study very carefully the models which is left were being made use of in other developed Western countries and that they would profit greatly from it hence my involvement with some of these provisions.

[illegible] in the drafting of this Bill, Mr. President may recall, which unfortunately had to be abandoned from the old law and that is the provisions dealing with the serving of sentences in Jamaica. Now I feel that we would have liked to have seen at work [illegible] to have our own prison facilities to take care of all of our prisoners but the only time we do not have adequate facilities of housing for this purpose, and in these circumstances, Mr. President, I think that we pay a debt of gratitude to the Government for making its available as for the arrangements whereby they accommodate our prisoners serving sentences in excess of six months and it will be well we have our own facilities in the necessary time for implementing the provisions of the Prisoners' Law that we should [illegible] with respect to the erection of establishments in Jamaica, Montego, with the new provisions in this Bill dealing with, for instance, Visiting Board, which is an innovation and one of the aspects [illegible] to be borne in present trends in other countries, Parole and [illegible] and suspended sentences it is hoped, Mr. President and Members, that the Jamaican authorities should be considerably lessened and it is also hoped that with these provisions and with the provision of reasonably or constructively modern establishments, buildings and so on, that we may eventually be able to accommodate all of our prisoners and never having to send them to Jamaica.

There is no doubt about it, Mr. President, I think we are all aware that one of the [illegible] for a prisoner as to have him exposed to other influences of other hardened criminals and I feel that in most of the prison establishments that danger exists and we would like to have our own establishment, our own portable facility so here as would like the necessary steps to see that that did not happen.

HON.E.K.WOODINGTON (Continued) Mr.President and Honourable Members, although aware of the provisions of this bill may be considered novel and therefore it be viewed with a great deal of apprehension, I would command it very sincerely for the careful and serious consideration of Members and, I know, their favourable consideration in this House.

SECONDED BY HON. D.V.GARDNER

QUESTION PROPOSED

CAPT.A.A.BELL: Mr.President and Honourable Members, the Honourable Second Official Member has just voiced my sentiments almost verbatim. Over two years I said that we should have our prison capable of taking care of our long-term prisoners, that they did not get any good, they did not learn any good lessons and could never be rehabilitated in the Jamaican prisons. I know that we owe the Jamaican Government a lot of gratitude for a lot of things. There is no use of my wasting the time of this House elaborating on that. Nobody knows Jamaica any better than I do, but I believe that these sentiments would be received with the Jamaican Government if we could get these people of theirs prisons because they need every square inch that they have for their own problems. We are a burden on the Jamaican Government right now - I can assure you of that. And I'm a wonder that they don't tell us so.

They have their problems galore and I say that if we locked our people here they would be embarrassed in their own country with that prisoner's suit on and working on a farm. It may help to let them make a resolution that this will never happen to be again, this is my last time in this prison. I am sure it will have a great effect on their principles. I suppose there is a little relief on their conscience when they are imprisoned in Jamaica because nobody here could look at it more than forgetten but if they were put on a farm, and that is where they should be, here in this country, growing food to feed the country, or to help, and work for their own country.

The conditions in the prison in Jamaica are so bad there were two girls when I was there on Abortion warrant, a young girl twenty years old had to be put in a cell with 52 men! So HM alone speaks for itself. We know their problems, unless you don't read the paper, I don't know how many of us read the paper, but I do, but Jamaican Government has its own problems and we should not look to add to it by keeping our Mr.President, in my opinion, and I don't care who is insulted but the prison is a greater priority than the asphalting of high-ways and I saw in Kent Bay yesterday and I saw that border-grassing a road..... DR.JOHN DONNELLY: Heart Road!....well, the election is two years away yet and that could be done in two years' time. I think that the prison is far more necessary than to build border-grass roads for these idiots I see driving at 90 miles an hour. Last week I was speeding....., but I won't come to that now because I have a lot to say the noise ordinance on this road when I discuss the Governor's Throne Speech to Gobata in. I shall speak then on this driving. But I do think that the prison is far more necessary to us. Sir, than the building and border-grassing of roads for idiots to kill themselves on. Thank you.

MR. CLAUDE GIBB: Mr.President, and Honourable Members, I will be as brief as possible in speaking in regards to prisons and on the Imprisonment law. It is a very touching Bill before us and the fact coming that prisoners who are sentenced in the Cayman Islands for long term go to Jamaica. As the previous speaker spoke of the prevailing conditions in Jamaica which we all know are quite true and facing the fact it makes one feel pleased to see that we are here now introducing a Bill so as to make

MR. [illegible] (Interjection) prison life in the Cayman Islands something that is self-supporting, as strong inducements for prisoners to work and honesty.

When looking at the Memorandum of Objects and Reasons it is clearly stated there. It is quite true that we do not have the adequate facilities at present to take care of certain types of prisoners but at the same time we should make means and ways to let these prisoners serve their sentences in the Cayman Islands and perform useful, although exempted from society and serving penal servitude in their own home-land will become more attentive when they see people that they know crossing them and knowing who they are they will become more ashamed.

Again, sending prisoners to Jamaica, although a vital role has been played by us there when we send young offenders to Jamaica they come back to their island with new ideas, because they get to mingle and mix with people. other prisoners who give that greater views what not and what to do.

It is a fact that we have not the facilities at present and the previous speaker spoke - I think to erect a prison here where prisoners would be in penal servitude when they can cultivate something and feed themselves and lower to high costs of living, to agriculture, rather than building roads we need, but this is more needed than roads as he suggested as far as it comes on spending. and if we build roads (which is much off the subject of prisons) we will have more people serving in the prisons if we build more roads. I thank you, Sir.

MRS. [illegible]: Mr.President and Members of this House, I wanted these gentlemen on this side [illegible] side to speak first but they seems to be afraid. I don't know why.....

[MR.CRADDOCK TALKS [illegible].

Mr.President, I feel that this is a good way up to a point. Prisoners after all, are human beings and all of us have sinned and come short of the Glory of God, and I am not saying that we should condone crime by no means, but we should have facilities whereby these people can feel that they are ordinary human beings.

Now I look at Sir what it comes to criminals in our aspects. I have seen people go to certain supermarkets in this George Town, about about three Shillings and sixpence worth of stuff - they go to prison. I have seen other people stealing much more valuable things than that - they are registered. These petty thieves who go to these supermarkets and may be women, particularly, hateful to get a pretty dress or a pretty this and that to wear, they will go and take this items. They are put in a prison where things are not good, what is around Cayman more in the prison, although they do not have to work, the majority, nevertheless they are humiliated and I feel that we who have all sinned and come short of the Glory of God, while I am not condoning sin, we should have respect for our fellow servitors and mistress, and if there is anyway we can do to help them to become law-abiding citizens in the future, let us try to do so.

Now I cannot quite agree that a prison is more essential than roads - is is more essential if.All we are building highways for speeders, I agree, but I feel that these are projects which we have gone about and had done which could have been delayed and a prison built. We have lands where prisoners could, [illegible] with long term I would say six months and over, they could be made to work and it would build up our country up to a point. They would not get the concentration in our Island that they would get going elsewhere.

I have seen a letter recently where prisoners who are imprisoned in Jamaica have written to people here lamenting the circumstances under which they live in prison and I feel that our

MISS MARIE R.BROOKS (NOMINATED) ... not feel afraid to be to have a proper prison built but in connection with that we shall have to have proper men as warders who take care of their prisoners.

I hear the rumour reach my ears. I do not believe it altogether as true but it could happen, that in this prison certain people are interfered there and at nights there is a storage of ganja and these prisoners are let out at nights to sell the ganja. Now that reached my ears - it is talked on the street - I can't say I credit it - I don't believe we should have such dishonest people in our force. Nevertheless, I say in commencing with a prison we will have to get proper warders. We'll have to get people who can take care of wrong who go to prison. Unfortunately sometimes women I've known have been put in prison and had to take little three or four months old babies to prison with them or to be taken care by some outsider. I feel, Mr.President that we should do everything in our power to try and build up our society and we must try to help those who have fallen.

Now I am not too sure that these week-end prisoners if they are really bad characters should be let out on the weekends. I would say that if they are mild criminals, people for instances, who have gone to shoot supercakes and steal a pound's worth of stuff to eat Sunday, they should not be put in company with those who break into the hot-ls and steal hundreds of dollars which they do not need, just for the lust of being sinful, I feel that people of that category who would continue their workings on the week-ends they should not be allowed to go out free. I feel that we must use every precaution to prevent crime but I do hope and pray that our take away will be that we get a proper prison where we can keep our long-term prisoners.

Now, Mr.President, I am against the death sentence up to a point - my only view in this, let people know they have something to fear and you will have less subordinate. But I would like to know that any Caymanians would commit such a dastardly deed as to have to give his own life. I only know of one instance and unfortunately, he was a policeman who killed his own wife - he had to pay the supreme sacrifice and lose his life - now I hope and pray and trust that we never have another instance of that. I feel, Sir, that this is a good law and that we should support it - if there are any things that other members may wrong with it they can speak. I am not saying the law is perfect, Sir, but I am saying this it is a step forward to try to help us have better citizens and those who may from the righteous path better taken care of and brought back to where they can, at least, have some respectability in themselves. Thank you, Sir.

MR. CARSON V.ROOTLE: Mr.President, honourable Members, I too would have to add my compliment to the Government Bench in bringing this bill before the House. I think that this bill is worthy of our consideration. It has a lot of merit to it - it has some good ideas but as so often happens it is not enough.

I would also add my criticism to the Member who spoke awhile ago in regards to Government priorities. I have continually said in this House that it seems like Government priorities are continually mixed up. My colleague and myself, some two and a half years ago vociferously propounded the idea that it was time to re-model our fuel system. I am glad that finally it is catching on.

Many of the grant requests that we have been studying as priorities could have waited. I do not wish to criticise the road system because democratically it was approved in this House and the Member who is responsible for that portfolio is not here to speak for himself and the great guns have been reduced to boxes so I do not think it would be fair for me to attack it. But if I had my way with the road system instead of

MR. DEPUTY SPEAKER (CONTINUED): spending nearly three million dollars to improve it I would take a bull-dozer, put bar blade down and run it across the road every half a mile. May be it would be a deterrent and may be it would give us Kiwi's a little time to enjoy our wonderful beaches.

We are dealing with a Bill today which will affect the unfortunate people in our midst -their lives, their well-being and their place in the community of the future. But as we debate this we must not harden our hearts as so many always happen because I think each and every one of us should , at this point, thank our maker for sustaining us and making us capable of differentiating between right and wrong and allowing us the privilege to be here to make bills into law such as this, because we must remember that but for the grace of God would go each and every one in this chamber. So as we debate these bills we must think more along the lines of rehabilitation. A member going on before us in the introduction of this bill spoke about a Conference that had been attended in Geneva in regard to the penal work.I do not refute that the conference may have been held in Geneva and it may have been held for the good of the emerging countries but it is my humble opinion that I submit to the House this morning that Geneva has not yet emerged.

We can should glory in the conviction of the known fall of another - it is from that society must be protected and it is our duty as members of this Assembly to see that we legislate laws for a deterrent purpose and laws that will be responsible and just and we must see that the penalty which we build into these laws will justify each crime that it is our command for.

We cannot allow ourselves to have a prison system that will treat prisoners inhumanly. This must out in the back Acts but the prison system that we must institute must be one as previously mentioned. must be geared completely towards the rehabilitation of the criminal. Our path in the future has not followed this course and each and every one of us knows it. But, as so many things in the past are being changed, even the laws that we will be debating here in the next few weeks, it is now seen that the past was good enough but the years does not suit the present and the future in regards to these bills therefore... the past must not suit the present and the future, as far as the Prison Bill is concerned.

Personally, capital is something that I have always held in great awe - I do not mind admitting that but, I can imagine nothing worse in life happening to me than having to be imprisoned, sentenced to a prison and I believe that any right-thinking person would feel the same way, because to me being convicted of a crime sufficient that would give me five years imprisonment I think I would rather face the firing squad. Many a time I have tried to retaliate . in thinking of sentences being imposed on people and try to figure out just what that person must be thinking because, Mr.President, I cannot imagine anything worse. I cannot imagine anything that should give a person so much mental anguish as to know that for a certain period out of his life, be it two years, five years, ten years or life itself, that he is mentally going to be put away into society into a place where his every breath must actually be subject to control. It must be a very horrifying experience for any human being to go through.

But, Mr.President, we must also look at the other ills that are attendant on a prison sentence and in our minds we must not become publish, because we have to think of the other side of the coin and although so many members in this House may just wish to chuck it in, I intend to inject it.

MR. JAMES V. BODDEN (CONTINUED) It is true that in a community such as ours, in a society such as ours that we must legislate in this case a Bill that will affect the lives of a few people but we have to protect the entire community and in this case, the community, the large amount of people, must be protected from the simple few.

Nevertheless the world changes are taking place today, particularly in prison reforms, but, as I have said in this Chamber before and I will probably say very often in the future, I do not believe that we in the Cayman Islands, just because we are a small country and just because the number may be only thirteen thousand people should blindly follow laws that are legislated in other countries, larger than ours, more resources, more availability of everything. There is no reason for us to do that because I believe that we in the Cayman Islands have the intelligence and the ability to do anything that can be done any other place in the world. And I would submit that we should try to model legislation in this Chamber which other countries will try to copy from us instead of us copying from them.

I suppose many passages of this Bill that is before us but I will be fighting, very strongly, in the Committee stage, to have that whole Bill is not enacted into law in its present form. Mainly, Mr. President, I cannot stand in this Assembly or in any other place, as far as that goes, and support a Bill that will banish a man from his own country and take him subject to laws and conditions in an alien society. I think that when we sanction, to do this that we are letting the forfeit the most basic right that every human being has, and that is the right to his own country and the right to the enjoyment of living in that society.

For us to condone to do or we have done in the past is a form of injustice - to me it is archaic - it is the flow that was used in the Middle Ages. It was the best form of punishment they could use back in the Sixteenth, Seventeenth and may be the Eighteenth century when the European countries were found as we are faced today with wondering what they were going to do with their prisoners. At that time they were faced with the problem of having to maintain a little bit of the Empire in a foreign land and to do so one of the easiest ways to accomplish that was, as my colleague and myself like to say so many times, about the Civil Service, and the Government Bench, send the tool a likely murder and this was a policy that was pursued for hundreds of years, that when you committed a crime be it simple or be it grave, the sentence was banishment from your home country, banishment to the rowing hold of a sailing ship that would take weeks to cross the Atlantic and to bring you to the West Indies or some of the other colonies. But this did have some saving grace in it and the saving grace in it was that what these people who were uprooted and banished from their communities arrived in some of these countries, they durined their sentence for a laborer into and they did lead it. It does show us that it we were to think a little bit further, we could then, may be, help the criminals in our midst because we cannot deny history, we cannot deny the fact, for many of the great people that have gone down in history in a look at the penalties, a look at the countries that were settled originally by these Statesmen came out later in life to be governors of the particular country to which they were banished. So it does go to show us that if a man has a second chance many times he can make good of it.

MS. JAMES M.BODDEN (CONTINUING) As we agree with this, Mr. President, I intend to make a motion along the lines that we do set up our local prison system. Mr.President, when we sentence an individual to service, in my mind, there is very little bit of weight which is attached to that sentence and there should be a certain amount of moral stigma attached to any human being that has committed a crime and is serving a sentence. But when we convict them and then on to Cayman in many cases their nearest relatives nearby might not even know they have left the Island, or if a friend should enquire about them, he is chipped out with Medieval talk. When he comes back it is just as if he had been at sea for six years as far as society is concerned but, Mr.President, if that human being, be it one of us in the Assembly here, or whoever it is had to serve that sentence in Grand Cayman in the presence of his moral supplies where he could be seen probably every day I think it would be one of the biggest deterrents that we can employ on the criminal. But when we send him away from our shores in most cases they return to us, Mr.President, without as protagonist criminals or moral total wrecks. We cannot deny this and the only part that I would be willing to give on this particular portion of the Bill, Mr.President, is even if a man was convicted for murder or a man was convicted for a heinous offence then at the present time and probably in the foreseeable future, we may not be able to cope with such a thing, then I would be in favour of exporting him to Jamaica. You may Sir, and I see the Honourable Fourth Elected Member to Executive Council just shaking his head, I am certain, as usually he does not agree, and I do not care, but , Mr.President, you may say that it would not be fair but we do keep our good prisoners here and send the bad prisoners to Jamaica and when we consider the past, when we consider Wearyliving and group them together, when we consider our experience for the future, I think it would be fair.

Mr.President, we must refrain on this problem a little bit further, we must consider that when we imprison a man who is head of a household that affect that household on the community as a whole not on that particular individual particularly; by saying this I am in no way espousing the cause for the criminal, because I think my record in this Prison will speak for itself and the stand I have taken in regards to sentences in the past, but when a man commits a crime he should be punished for it, but Mr. President , that is not the end of the problem. When we imprison the head of a House-hold, send him to Jamaica, automatically we have taken away the head of a family, we have taken away the bread-winner. At that point in time the mother and the children will suffer - they will suffer in many different ways because society being what is is, people can be cruel. But life does not end at that point, life must go on and here, Mr.President, in my opinion is the weak part of this motion because we are not geared for it. Our Estimates for the last couple of years as we reflect on them, will show the paltry amount that we, as legislators of this country, have been willing to vote to go towards child care and protection, towards probations, towards juvenile delinquency and so forth and so on, if I named it all it probably would not amount to the one-hundredth part of one per cent of our national budget. So here is where we get down to the point where it really hurts. At this point we have a mother probably with two or three children, there is no support. The Poor Law does not provide but any assistance so far in regard with carrying on the household. In most cases, due to illness although there is an idea of an grave idea that because it is of the past, she is unable to get a decent

Mr. James Ebanks (CONTINUING) position is here because she does not have the education, so Mr.President, she will wind up probably at the Hotel as a barmaid and, Mr.President, the point I am going to inject at this stage, may shock some peoples minds, but seriously being what it is in a year's time at least we are going to be faced with larger and more sophisticated problems than we had in the past. We either have another child spawned into this fold, we have a venereal disease position we have a prostitute who, according to all laws of man should be convicted and sentenced herself. Now these are the only three alternatives that can be faced in this society at the present time when we take away the head of a household. At this time, Mr.President, we may have a broken home, we have a broken home that in most cases cannot be taken and together and re-united when the head of the household does return to this Society. This is why I want to expound a little bit more on these particular bill and to point out, I think, the investigation of this bill, because this is at the point that I will close here to a little but further in my argument to touch on and prove that it is beneficial to society to not only to provide the man, not only allow him to serve a sentence but allow him to put something back into this community.

At this point who is going to suffer the most? Unfortunately it will be the children - they have now lost their father - they have now lost their mother and last, but not least, they have lost the security of a home. So you, today, in our society, open our eyes and see what I am talking about. I hear many of the members in this Hall, from time to time when we debate various bills say " oh, it is the fault of the parents, but let us dig a little bit further down and find out why it is the fault of the parents and the fault of the parent, in this particular case you can go to certain areas of our Islands tonight and see, it because we do have some just like what I am talking about now and we have these children who are screaming absolutely about the community -they become truants from school - they get no parental attention, they get no proper food. As soon as they can smoke a cigarette they start smoking ganja, as soon as they are able to reach up high enough to put the fifty cents over the top of the bar they are allowed to buy, and Mr.President, that is the regarding point of it in our community today, that we have liquor laws and they should not even be on our statute books because law in order capable or carrying them out. Today we have sold our soapbox soul, not gold dust, just for the little bit of revenue that can be brought into this country by the sales of liquor. It always its part in the community now Mr.President, it doesn't play the part to where I must roll my soul and my conscience for community. I have lived, I have travelled in other countries. While I was in those countries I have had to be subjected to the laws that were in those countries and they did not change their laws because Jim Bodden was from the Cayman Islands and he could be considered a tourist and may spend an extra ten dollars to buy a couple a quarts of whisky on Sunday. These are the things, Mr.President that are causing this society. Like the whole society of the entire world today we grumble because we have people who are not willing to stand up and be counted and I am prepared to stand up and be counted.

You know, when we stop and reflect on this it pains and grieves me to think at this point what we have. When the things that I have commentated have happened, we then look into the face of a small male, who just a few years ago sat on the dirt-mug lap of his mother with a beaming smile on his face and with our hopes that that child could grow up to probably

MR. JAMES McLACHLAN (CONTINUING): one day sit in this Hall and have the right that I have today to speak my conscience. But instead of that, what are we getting, Mr.President? We are getting a dream - we are getting a demon. His soul is becoming shackled to hell and the walls of our society are crumbling around him - just because we are not paying any attention, but because we are willing to sit ourselves in our air-conditioned homes, say to hell and pay no attention to what is happening to the society around us. We must begin to change it.

Now at this point, I have dealt with the guilty side of it - I am now going to progress in my argument and build my case in why I think changes should come into this Bill before it is enacted into law. At this point, let us think about the man that is convicted - he has done wrong, society has condemned him, he is now a criminal. But we export him - we pick him into a new environment where he is subject to new rules and regulations. The man by necessity becomes an animal and accustoms himself to living in a jungle. I am certain that many members of this House will say he deserves it - it is a jungle of his own making and I will agree with it. He has transgressed to the point where he has broken the laws of society and he should suffer for it. But, as I spoke a while ago, Mr.President, mentality and life are not like a tap on the bathroom water - when you turn it off, and on - Hallelujah - I think God Mr.President, I have no way of knowing but I am convinced within my humble mind that a man placed in circumstances which may or may not be of his own making, under the present system, within the period of two years, will probably become a confirmed criminal.

Mr.President and fellow Members, when all of these things have happened that I have outlined to you, how can that man adjust when he comes back into a society like ours? The stone has got to be on his face, so in the Bible, the mark must be on his face. The scars have got to be on his mind. The natural anguish that he must suffer must be as the suffering that our Good Lord encountered on the Cross and in this terrible plight we have another event in our community. In that man's tortured mind there can only be one answer - he cannot and, in most cases is incapable, however he has not had any training - he has not had any help, so he cannot adjust, and in the tortured mind of the man there is only one answer - commit another crime and return to the new world he had entered.

Now, Mr.President, I would suggest that consideration be given by this Government to the purchasing of a large enough track of land in which we can probably use a marriage between the Agricultural Department and I am sure the Honourable Fourth Elected Member would be pleased to work on this project along with the prison system because we are now going to give him the labour to do that job. The only thing he has to find is the drying house that is so necessary to put such a plan in this institution - get our prisoners to work on this farm and produce the food for the Prisons.

I am certain today, that the whole of the Third Elected Member, but I am certain that if he were here today he could tell us that it costs several hundreds of dollars today probably for food for the hospital, if the prisoners were not doing anything else than feeding the hospital at least it would be a cut in our budget, and I would presume that when we set this up we set it up on a system by which the man is not going to work six hours a day - remember work is good for the soul. Let the man work 12 hours a day, I have worked it that and longer for nearly all of my life that I can remember - let him work six days a week that is 72 hours. The part that I may be played at that point is for his atonement to his country

MR. JAMES M. BOGGEN (Coquihalla) said his own upkeep that a half of what he should earn should go back to the Government and the other half would go over home in a cheque to his family at the end of every week - that would alleviate the conditions of some of them that I spoke about awhile ago.

I am not saying that we condone the actions of the criminal and that we say it is a bad move for him to prison but I am saying that we should institute a system where he not only works for his own upkeep and is not only pays back to society what has been lost but that he maintains his responsibility to the community, to society and to his family. This would have to come as an amendment, I think, under section 31. This system would not apply to the prisoners who are only sentenced for six months and that is why I have put up the case I have against this, Mr. Provincial, because to me this is the ridiculous part of this bill that all of the leniency that we are proposing to give is only for persons sentenced up to six months - they are not the people that need the help - any man sentenced to prison for six months can pretty well stand in the corner and take it - the men we need to help is the one that is sentenced for five or ten years, and that is the men unfortunately, that this bill is not covering.

Section 39 of this bill, I agree, may go a long way to alleviating some of the ills of incarceration and it should be a motive for good behaviour but I would suggest that this not be allowed for those convicted of murder or sexual offences and it should be restrictive by saying that it would only be after certain periods and after so much time has been served and so forth. I cannot see, I cannot go along with the plan that because you incarcerate a man in gaol for six months that you give him all of these benefits, give him the benefit of being home on the week-end, give him the benefit of this and give him the benefit of that, give him the benefit that the only work he is going to do is probably shine shoes of the police officers! And the man that is in for a longer offence, that suffer is the depending that we know that they suffer in today.

I am not in favour of the prisoner being released from prison on the week-end - I am making another suggestion to it as I have seen done in foreign ports. There is no reason society cannot allow it - there is no reason our Canadian minds should run amongst it, because now and or two other, if we must call a spade a spade the reason you are telling me you are letting him out on a week-end is so that he can be with his family so I am saying to you let you can keep him family, but let him have it on the prison compound. Give him something to work for - he is going to work, he is going to get his lunch and it because he will be able to see his kids may be once a month for a week-end, he will be able to see them - the money he is contributing by working for them is helping them, so there is no stigma attached to this to have another compound in which these people can live on the week-end, but I cannot intimate the fact that that man we are going to put him back out into society on the week-end - because then we are going to find if this law is allowed the whole prison family could be on the streets on a week-end, there is nothing in this law that says how restrictive it is going to be. Those are some of the reasons I could not support it.

You know, Members, should this bill come into law in regards, how it is envisioned here for the work that these people will do, you know why it would be abused? It would be abused, Honourable Members. Like the last Premier has been abused, it would be abused where the person sending it, that Justice, if not abound by a Work Permit, could probably get $10 a day as a common labourer, so many cases he will be bound to pay, because

MR. JUDGE M.SCOTT (CONTINUING) that might have caused his work. The worst thing would happen with this bill we would find that there would only be a selected few of our society that would be able to have these people at most a low rate of pay that it could not even pay for their fare. That is why I stand in objection to this bill. It does not say anything - it is like signing a blank cheque and leaving it at the bank.

Mr.President, I am an lover of prison reform. I am not in favour of corporal punishment - I am not in favour of harnessing to a bill for whatever reason it may be - I do not know, I bet neither, there's God's knows in prison, but I cannot put my signature and consent to a bill that will allow the Government the right to take one of its citizens and confine them in clothes made of canvas - for what reasons? What are we trying to do? We are here asking legislation and were being told that this legislation is of necessity, we are being told that it is so necessary. We are being told that it is all for the good of the country and yet the only things we discuss are the things that will probably benefit a few people. We are then attempting rock the old stuff from the middle ages in order to make this a workable law.

Mr.President, in its present form I cannot support the bill. I intend to spend as much time as possible when it gets to committee to argue it out, we may be there until next year, God's willing,but I cannot support that bill in its present form. I appreciate the idea in which it was brought forward but the only comment I can make on it at this time is that it is too much in some places and not enough in others. Thank you.

MR.CHAIRMAN REMARKS: Mr.President, if I had realised that the first Elected Member from Belize that was going to speak on save his debate as lengthy as that I would have spoken before him, because not for the time-sake, he has deprived us of much that I intended saying myself. Nevertheless, I support most of his views on principle and we trust that we will come of them forward with.

One thing that has been bothering me for some time has been our prisoners. When we were a part of Jamaica when I occasion it didn't look too shameful to send our prisoners to Jamaica, and disappearances and conditions and whatever as they were at that time or as they were but since we are on our own I thought our still strong, friendly contacts and without relationship with Jamaica, we held still a good rapport for the country, are certainly, in my way of thinking that one of the worst things that we could be doing to our people nowadays is to send them away from their homes and their families their country, their society their everything - they are being deprived of. When we look at life, we are all human beings, some are weaker than others, some are strong, but even no matter how strong either of us may be or determined to do the right, we get knocked off our feet sometimes and it is the wrong - we loose control probably for thirty seconds and we commit something that we wouldn't have done if we could have retained our thinking or our control for even thirty seconds. With all the money that this Government we now in possession of, over the last three years, the revenue has been going in leaps and bounds and we have been able to provide money for everything that we generally wanted done and most of it is not in the hundreds of dollars, it goes into the millions of it. It is high time, time is now that we should be prepared to treat our prisoners or law-breakers, or whatever they may be, entirely differently. They should remain in their own country where they can be seen and heard what they about weekly, if not daily with relatives and whatnots and I cannot at this stage, unless any reason why we can't provide a proper housing facilities as prisons, to take care of our prisoners.

MR. CRADDOCK STOKES (CONTINUING): I don't know how many long-term prisoners we may have in Jamaica at this time, whether it is three hour or half a dozen, but even with that amount it looks as if we ought to be able to provide surroundings and accommodation for our prisoners.

Confinement is cruel as well as the public shot in most cases, at most times, for prisoners that come to Jamaica doesn't come back like we would like for him to be. All of this has been gone into and I would only like to stress Mr. Speaker, Mr. President, that within the next twelve months that every effort be made, money provided and the proper prison and what goes with it be provided for the long-termers, the law-breakers that whatever their penalty, whatever their sentence, whatever their time in prison, it may be served in their own country.

And as I said in the beginning, that so much has already been said and things pointed out in this that I would not attempt to say anymore on this particular Bill. When we come to it in the Committee Stage then we will get some of our questions answered and we look forward to answering some of those questions, with further amendments and whatnot, but I give my whole support as one of the members of this House - it is very important and we do need better laws and I will give my full time and interest to help do all that I can to make this Island a law that will serve and meet the requirements as to our prisoners and not to be continued/unnecessarily the long-term prisoners to be continued to be sent overseas for punishment because what we do that we are telling our Jamaican born citizens that you are no longer wanted at your birthplace and its time that we look into that and bring an end to it. I thank you, Mr. President.

HON. D. WILLIAMS: Mr. President and Honourable Members, just a few words on this Bill. I am glad to hear how well it has been received and the comments of the members in respect of the prison services.

The Lady Member speaking made reference to the fact of having Warrenghiew I drive a car myself but once she stepped on me I got it out of it - I am not driving, I am not mechanic. I don't know a thing about that - I suppose you have your duties today, for your duties are not numerous and the Lady Member did touch on a very salient point, and the Members can aware that in your budget this year you have made provision for a Warden who is just being appointed. It may be of interest to Members to know this but wardens have to be trained now to take care of prisoners and the duties of warders however is in a entirely different realm than that of a Police.

The Members went off on the care of the young and the family and the young ones and the homes broken up and the fathers gone overseas, but again she will know will be aware that we now have this Social Services Council which is going into all of this and trying to make provision for the family life, there is also the scheme for the Boys Town, that members no doubt are aware of, so that thoughts are being given to this matter.

The Member, sometimes I tend to smile in a way sometimes in this Industry - the members speaking about sending out to Grievances, overseas, colonizing, today it is a little different now, you don't get colonies now and you don't go out to make colonies and I was wondering whether the Member, because the Member really tried to get at some of the members on the other side, whether he was going to suggest that we should send them to Little Cayman. I know he was going to bring out the Member for Little Cayman, if you could say or criticize that? But he is going to start up a partnership I was between them and the Agricultural Department and I don't know - apparently they are going to put the

HON. D.V.MAYNARD (CONTINUING): Member for Agriculture to live there with them or something- I don't know, but that poor Member for Agriculture will have to define himself.

But seriously, though, send prisoners overseas, now, we could, then away and it is good for us to have our own prison system here to take care of them all. As I said before, I start how have made and being able to remain. [illegible] Services and start that up. But though the Member opposite is not saying that any of the prisoners that are convicted prisoners, murders or those for sexual crimes should be sent overseas, that I would think that the House should consider seriously. It is very nice to have our own prison service and this is true and commendable but can you imagine another country to take the [illegible] away from you and you repeat them if you should have, and I trust it will [illegible] happen and as the Lady Member, it was only when [illegible] remember in her life-time of someone being sent from here for capital punishment and had to be executed, but will the other territory execute that type of person and carry out that type of punishment for us or will we have to do it in here. We have to give very serious thought to that because it we have to have capital punishment and execution carried out here I don't know how the House and how the Bahamas would react. But this is one of the things you have to think about the prison service, once you set it up. I would think that you would have to take all or nothing thought I am in favour of having our own prison service here. May be thought may have to be given as to whether you are going to consider awarding the laws in respect of capital punishment. The United Kingdom have done away with their capital punishment I know that there has been one or two occasions, I know of one, and may be on two occasions, I think, if I remember correctly, Nova said that we should keep capital punishment as it is a good deterrent but you have to think of it if you have to carry it out and execute it in the hall. I therefore commend this bill and I am glad to see, as I said before, Mr. President and Members, the good reception it has had.

MR. LYNN BETHEL: Mr. President, Honourable Members, I stand to be corrected but I believe I will stand and speak on this because I might loose my opportunity because I felt this morning that on the other issue I had not spoken, I am subject to be corrected, but on that I will have to be proven wrong.

I stand, Mr. President and Honourable Members in support of the Imprisonments Law. I feel that there are certain conditions to which I am sure that I would want to see made in the Committee stage of that bill but I feel, Mr. President, that this bill certainly goes a long way to provide a service very greatly needed in these Islands.

I see that at last we are making provisions to take up to our own responsibilities, certainly the Member spoke about things being said or done in this Chamber a couple of years ago prior to this. I believe the reports will bear us out that certainly this is not the first time that Members have spoken on this particular issue or made reference to it and certainly in so, I would say, more of a repetition this morning on what has previously been said in regards to this, but this is the first opportunity of any such bill being brought before this House which affords us an opportunity to be able to voice ourselves and also we will have an opportunity in the Committee stage to be able to lay on our amendments some sort things, no doubt, added to this particular bill.

I have always believed that people that do wrong, I have always believed in punishment, I have

MR. JOHN T. TEFFAUCHY (CONTINUED) always believed that people that do wrong should be punished but by the other same token they must be given an opportunity to be able to come back to this society and be able to right their wrong and take their rightful place, without, if possible, any stigma been necessary.

I have been, Mr.President, yearning to see the day when something would be done in regards to our prison service. Certainly the system of the past has been highly unsatisfactory to all of us but we found ourselves victims of circumstances and certainly it takes time to right some of those things. If we were just for us to get up here and say what we think is good and what we would like to see done in this territory, certainly I am sure that there would be a lot of things made pay wins for and I am sure that next year our budget wouldn't be fourteen million dollars but our budget would, no doubt, be more like forty-six million. But, be that as it may, we certainly have to get on with the job and we swiftly as possible try to right some of the things that we feel are necessary to be put right in our community.

I remember some years ago when a certain section of our island was violently attacked and he was wounded, I remember later on sitting in Her Majesty's Court and seeing the Magistrate say " I am going to charge the enemy for you and I am going to send you to a place where brutality is now altogether extinguished". Certainly when we think of brutality we know that there is still a lot being done in foreign prisons.

I have always felt, Mr.President, that in regards to our prisoners being sent overseas, as I have said, previously we have been victims of circumstances but certainly it haven't served us well enough and we don't feel that it is good enough for the society in which we live. And not so long have we noticed that opinion but I am sure the proper authorities also have made representation in this regard in the past. I remember sometime ago when a point was raised here that when prisoners were sent to the Approved Schools of Jamaica, it was being said that we are not doing them a favour at all, because they are there exposed to things that are alien and foreign to them.

When we think how many of the people we have placed in our prisons have come to other countries and joined gangs for hardened prisoners, exposed to all kinds of evil, certainly to come back to our territory and then try to take their rightful places is very much of amount of shame of that nature. Certainly I am sure that there are a lot of horrors and night-mares experienced in those various places but certainly on the other hand, there is one thing that we also have to always keep in mind and that is that nobody sends them there but themselves. It's true that the scriptures says all men have sinned and come short, and that is the truth but by our other same token prison must never be placed on the plane where people would want to go to live.

I am hoping, Mr.President, in our next year's estimates that this is going to be an opportunity, that this is going to be a reflection in our next year's estimates to see that at last we have money available to be able to move on with this problem - being able to place our prisoners in our own country where they can best serve us and where they may be properly rehabilitated and went back to our society to be able to fill their place.

I want to stop here for a moment and say that I support capital punishment - I always have and I always will as long as I am elected here on this Chamber. I believe that this in itself will be a deterrent when we look back on our

MR. JUDGE F. PATTERSON (CONTINUED): statute books and see them down through the years there may have been such, and I say, small even though it is small in a way, as long as there is the life it is still a tremendous thing. Then when we look back in the history of our Friends and see that there haven't been any more cases of murder than there is, certainly I believe that the fact that capital punishment is on our statute books is one of our deterrents and the other thing I believe is that our people haven't, in any way, become really accustomed to this foul kind of violence.

I would like to make reference to section 5 and I think this is a good start - portion of "services to be sold if economic as is practicable." -"the service shall, as far as practic, be self-supporting and in so far as the expenditure exceeds its income it shall be reimbursed by funds voted from time to time by the Legislative Assembly". I am glad, Mr.President to think of the fact that we are thinking in terms of our prison service operating this at this angle because certainly I believe that this is the right direction.

I see in our Bill many safe-guards, safe-guards which I feel are necessary in a country or territory such as this.

Alternative (1) also says that the medical and the staff be Prison Medical Officer and no prisoner shall perform any activity or undergo any punishment if the CMO feels his physically or mentally unfit for the same And then also in [illegible] Medical Examinations, "A convicted shall be medically inspected at the beginning of their sentence and at least once per month thereafter until discharged. Sick prisoners, physically or mentally sick prisoners certified by the CMO in immediate need of medical care shall be transferred to such hospital or medical center inside or outside of the Islands as the CMO shall recommend and given to be held in custody. The CMO shall [illegible] a certificate to any Court before which such prisoner is put to its benefit, stating the likelihood [illegible] which the prisoner is suffering together with a prognosis of the case. I think this, Mr.President, stands out and is special in the way we look [illegible] people are placed in prison or [illegible] to make sure that our people have every opportunity at every break and we want to make sure that in no way they are [illegible] or denied privileges that are and should be accorded to prisoners serving sentences.

Now the three Official Members spoke very strongly, I believe, in response to the First Member from Belize that in regard to murdered more prisoners, I feel that every opportunity [illegible] employed and I believe that we must move swiftly to do this, to make provisions that only at first, that only those people guilty of murders and crimes of that nature be sent overseas. Now it is one thing to say yes you don't want people to take our hard core and you are going to take care of the others. Well, I believe that this in itself can be explained because I think that it shows that we are trying to do something about it and if we are making any [illegible] to give up herding time where we will take care of the other criminals and Caribbean people, any guilty of murder are going to be [illegible] to other territories.

I would hope also, not only would I hope, but I would work to see that in a short [illegible] as possible that no prisoners were sent overseas, but until such time as we have in a position to deal with that particular type of person, I would suggest that that would be the only prisoner sent overseas.

Now, in the south, very subsequently Mr.President, what I'd like and let me state categorically what I am initially against. I read my newspaper some-

MR. JOHN D. CLEFFERSON: (CONTINUING) times and I sat in prisons in various places where prisoners were not on strike, they had up everything because they didn't have coloured television, they didn't have certain beds to lie on. But I am saying that prisons must never be an attractive place for people to say. I am saying that nobody must ever be encouraged to feel that they can almost go and riff in prison as they are entering, not certainly the reason for going to prison nor the reason for having prisons. So we try to discipline people, deny them of some of the contacts of life, that that will help them to make sure that they won't want to come back in this place again, and that they will go back to society and try to keep their rightful places. But, on the other hand we do make allowances for people who find themselves in this kind of situation to help to accomplish that end point out to them the fact that we want to help them take their place in our society once more.

The First Official Member, I think in evidence by the speech of the first elected Member from Bodden Town will show if you noticed in last year's estimates, that prisons workers were placed in the Estimates. I would also take the matter a little further than that, I believe that if you would look at 1979's Estimates you would find that in 1978 's estimates there was a reflection that money was placed for prison workers and I say that we must make sure now that we are not just setting aside and that we have plans with this law to try to do everything possible to hurry this programme along where we will be able to contain our own problems and try to rectify right this situation.

One of the things that I disagree, I say right with in this bill is the fact that people serving over six months must be sent overseas. I would like to see that changed, not only would I like to see that changed but I can tell you this that I am not going to rest until I have explored every avenue and done every effort to see that that period of six months was changed and that as early as possible, no prisoners at all were sent overseas.

I agree with corporal punishment. Mr. President: I think a lot of times corporal punishment does work quite well, there may sometimes behind the bars. Now I remember when I was youngster in school we had, in Grand Cayman, we had our school at the East End beach. We turned out on Fridays, and I think it has been an impression placed on the minds of a lot of youngsters on Friday sessions a lot of times as a result, things were sometimes brought and taken right in the school. After school was dismissed on half-days on Friday, A lot of boys were kept where they were charged with stealing bananas, and other petty things and they were severely whipped on that place. But one of those youngsters today is suffering from any ill effects, I think all been a help to them and had helped them to continue that crime couldn't pay, whether it be a big crime or a small crime, because a child that steals an orange will labour on, if he goes unchecked, commit a bank.

Section 26 - I am in comp ete agreement with this, I see that provisions are being made, people have the benefit which I think they are entitled to. Now what I want to do is, and say that I suggest sections 26 and 27 and 28. I think these sections make possible the impression on one's mind, prepares one and makes him to think in a different direction and helps him to come back, being disciplined, as I said before, come back to his rightful place in his own society.

As a Junior Unnamed Minister of Religion, I am happy to see placed in this bill section 47 which I believe again reflects the good image of the Cayman Islands. "All prisoners and detainees shall be afforded with the prison or place

MR. [illegible] (INTERRUPTION) of their detention opportunity for the exercise of their religious duties and devotions at appropriate times and in accordance with their various religious persuasions and appropriate Ministers of Religion be privately invited to visit at least on one occasion in every week." That again, Mr.President, shows that we are not merely placing a man behind the bars with the feeling that we want to keep him there, but again we want to help him, we want to lift him up, we want to give him help because we realise that he is down.

When the first Elected Member from Nelson Down in his speech said, and I say this very casually, we have held out our hands - well, I feel this way, Mr.President, as far as I am concerned, I live what I preach, I try my endeavour in every way to lift the fallen man and I can assure you that none of us is infallible and I can assure you that every day in my life, I try my best to lift up fallen mankind and try, in every way to do the things today that I will be happy about tomorrow. And as far as I am concerned, I place emphasis on the worth of man and people and I want, in every way to help to lift fallen mankind.

- do stand up for the things of righteousness - I feel I am consistent in my representation and that with God's help I shall want to be true then also.

Mr.President, I am happy that these Bills are being sent to a Select Committee of the White House, where we will have an opportunity of being able to voice our opinions very strongly and then come back into the House again and pass them almost into law. Now in speaking of the Select Committee as far as I am concerned, I believe, I not only believe but I know that I will also will have the opportunity in a Select Committee of this House as it goes by clause by clause to make any amendment that would seem necessary or practical and in the Committee stages I am sure there will be a lot that we will say about this and certainly I want to commend this Bill and I say that I support it later on with a few amendments, no doubt, something added to other places. I thank you very much, Mr. President.

AT 12.46 P.M. THE HOUSE WAS SUSPENDED
AT 2.40 pm THE HOUSE RESUMED.

MR.PRESIDENT: Proceedings are resumed. We continue the debate on the Second Reading of the Imprisonments Law. Does any other member desire to speak on this motion? I will ask the Honourable Attorney-General if he wants like to reply.

HON.G.M.KAPPOTOKAS: Mr.President and Honourable Members, I am glad to see that there is general approval in principle for this Bill. As far as I can gather from the debate, the main point of disagreement is in the provisions dealing with the sending of prisoners to Aegina. However, Mr.President and Members, the cold fact is that at the present time, we can't do anymore, and until we have new and modern facilities, it is unnecessary to have this provision. However, as I have said before, it is hoped that with the establishment of new modern facilities, that as time goes by we will be able to cut down on the out-put of prisoners to Aegina and we will be able to accommodate them ourselves, and that really would be the ideal to aim at. Taking regard to the fact that members have expressed general approval in principle there is not very much more that I can say except perhaps to touch on one or two points which were made by the First Member for Nicosia Town.

If I understood the Member correctly

MR.W.E.HAMILTON (CONTINUED) he commented on the fact that he did not see why the provisions which would enable week-end leave to be granted should only apply to prisoners who have been sentenced to less than six months. I think I have quoted the Member correctly, but if that is what the Member said that is not correct. The point is that under the law, whereas prisoners who have been sentenced to more than six months imprisonment may be sent to Jamaica, it does not necessarily follow that any particular prisoner, who has been sentenced to more than six months would be sent to Jamaica. And in practice it would be only the unmanageable prisoners who would be sent to Jamaica and those prisoners who remain here with a right to remain here even although they may have been sentenced to more than six months imprisonment, would be entitled to benefit from this provision.

The Member also said that although he agreed with the Bill in principle it didn't go far enough and he would like to provisions made to protect the household family of a person who has been sentenced to prison, and as the Member quite rightly observed, invariably the members of such a family suffer considerably when the head of the family is sentenced to prison. I agree with what he says there may provisions of that nature really ought not to form part of a Bill dealing with imprisonment. Those provisions should be contained in other laws dealing with probation and social services in general and it is hoped that in time to come when we get our facilities established that those provisions will be made in appropriate legislation.

The Member also expressed vehement disagreement with the fact that a prisoner could be ordered to wear canvas clothing. The Member, I think, was referring to section 29 of the Bill, but here again I think he has mis-interpreted the section. Section 29 deals with penalties which may be imposed on prisoners who have been guilty of breaches of prison discipline and sub-section (a) of the section, which refers to the wearing of restrictive canvas clothing for a period not exceeding 24 hours merely refers to the punishment of putting a prisoner in what is popularly known as a "straight-jacket" and that, Mr.President and Members, is I might say, common-form procedure in prisons. There is nothing more salutary and more effective to restrain a violent prisoners than to put him in a straight-jacket for a period. And that's a very necessary provision - it doesn't mean that the prisoner has to wear canvas clothing for the entire time that he is in prison, or when he is in the stronger - are only when he is found guilty of a breach.....

MR. CARL M.STANLEY: Mr.President, on a point of order, I did not, I think if the Minister was present in my speech, say that the person would be wearing this canvas clothing all the time - I only referred to it as he could be wearing this canvas clothing, and I agree that the Bill only says twenty-four hours, but in my humble estimation, there is a lot of difference between a straight-jacket and a canvas clothing, if it is defined as straight-jacket in the law I'd have no objection, but I would like for the Member to restrict himself to what I did say, Sir.

MR.W.E.HAMILTON: Mr.President, I am very sorry that the Member interrupted me quite unnecessarily because I interpreted what the Member said and I think most members would too, that he threw up his arms, his hands in disgust to say that he could never agree to a prisoner wearing canvas clothing. Now the truth, Mr. President and Members, is not 'canvas clothing' in its restrictive canvas clothing and anybody who has any knowledge at all of prison procedures will know that 'restrictive canvas clothing' refers to what is popularly known as a straight-jacket and there

HON.C.S.NAVAVUNAYAWA (Ocho Rios Central): We need Ministries to arrange that definition.

There is nothing more that I can say, Mr.President and Members but to again express my gratitude that members have so well received this bill especially the all parties over not to waiver my bridge but we have to make a select committee and I think it is a step in the right direction and once the service is established and we can provide the necessary facilities there is no reason why there cannot be subsequent additions to the bill, extended over a wider field.

And at this stage, Mr.President and Members I would again move the Second Reading of this Bill.

QUESTION PUT: Ayes and Noes.

MR.SPEAKER: I think the Ayes have it.

REFERRAL TO SELECT COMMITTEE OF THE WHOLE HOUSE

HON.A.K.KNIGHTON: Mr.President and Members, I beg to move that this bill be referred to a Select Committee of the Whole House in accordance with Standing Orders 55 (b) and 62.

SECONDED BY HON.D.V.MILLER:

QUESTION PUT: AYES AND NOES.

MR.SPEAKER: I think again the Ayes have it, so the bill accordingly stands committed to a Select Committee of the Whole Assembly. Under the provisions of Standing Order 62 I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee, and in accordance with the decisions in the Assembly yesterday, the quorum will consist of all twenty members.

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE
CHAIRMAN: THE HON.DOUGLAS ATTORNEY-GENERAL
QUORUM: ALL (TWENTY) MEMBERS

MR.SPEAKER: That concludes proceedings on bills on today's Order of the Day and the next item on the Agenda Private Member's motions, in which a motion stands in the name of the Honourable Lady Member.

PRIVATE MEMBER'S MOTION OBSCENE PUBLICATIONS

MISS ANNIE H.MORRIS: Mr.President, and Members of this House, I would like to move Private Member's motion standing in my name which I shall read as follows -

"Whereas in many of the shelves of supermarkets and book stores obscene literatures in the form of magazines and other books the reading of which can only lead to increase immorality, gambling and other things of basic nature are for sale.
BE IT RESOLVED that Government take steps to have such books and/or magazines banned and added to the list of prohibited publications in an effort to save the moral uplift among people of all ages and especially the young people in the Islands"

This is the motion, Mr.President, this motion will be seconded by Mr.Norman Dabdoub.

MR.TOMMY T. ARNETT: I beg to second this motion, Mr. President.

MISS JENNIE E.BODDY: Mr.President and Members of this House, I am sure you will agree that we should do everything possible to remedy, if possible, the trend which seems to be taking place in our Islands. Now, I am not a saint by any means, I am trying to be a good woman, but I am not blind. Now I can truthfully say that I have only read in the one good book or one book in a joke book and that was the effect that a man had a shot-gun, he had three daughters and on each occasion these gangsters were about to be married he had to use this shot-gun. Well, when the third one had married he said "thank God I will place my old shot-gun on the wall, its no further use". Now I could prove that I was a child. Besides that I am very sure I have never read a dirty book in my life. I don't see any sense in it and when it comes on this obscene literature which I see on bye-shelves in the stores, I think it is a disgrace. I feel that we have enough evil portrayed in action, not to put it into books, and I feel that it is our duty as legislators to try to curb this kind of insane dry, obscene publications, which seems to be the order of the day. I feel that we would do many lives good if we did all we can to curb it.

I have gone to offices in the Island and I have seen nothing but a blackboard of naked women, now I don't think that's right. Not that they can't seem the same thing on the street, because the women of today have lost pride, they have lost everything, and I would say pertaining to good womanhood. Only today when I went to have lunch I saw a lady, I assume she would be - normally with a bathing suit on the side of which were two pieces of elastic, around the back one piece of elastic - now that is discourtesy unnecessary. If I were of the opinion that I certainly wouldn't advise women who make themselves so common. I call it and I feel that every one has enough of that sort of thing all over George Town, I wouldn't venture to say anywhere else, to have to read in our books or look at it in books.

Certain books like I understand exist, one particularly called "Lust in me", I have never seen one in my life, I just know some of it, but I understand from very reliable authority that that is the dirtiest book one can get - I feel we should stop it - I have never seen one in my life - I have seen one book they call "Playboy", that was on the reception I was cleaning a room - the Consul who had to share there said "Miss Bodden, would you like to see a picture?" - I said "What kind of a picture?" He opened the book and there it was. I said "No thank you, I don't wish to see that". (WRIGHT - INCORRECT).

I feel, Sir, that this kind of thing must be stop - why not everybody to stand like Annie Bodden Foster, I pride myself I am a strong woman and I was a child, grew up like everybody else, although I am looked upon now as I was never anything but the grown woman I am, I was a child at a typewriter and I must say some beautiful women at that and I wasn't let away by Latin flattery. I had the goal in view and I am proud to do anything to let us maintain them, and I have kept it at bay, thank God by His Grace. But I suppose if I was blood-type in this generation and didn't have the purpose that I had, I might fall into temptation myself, so I feel that we must not try to judge people at this day of this day by the people who lived say fifty years ago, but I feel that we ought to endeavour to do what God for telling into temptation...

You didn't see a good enough book, anything you want to read can be read in that - take the Living Bible you can read anywhere you want in it but the Bible covering is put aside. That's no joke either. I've seen obscene pictures there right there, three women like actresses, bloomers behind, one looked at him and following him about to ask - ing please, like "interpreter, etc., changing husband overnight, telling you it's cheap - I could go on and on, and another one, all that sort of thing - I say why is Christmas is becoming the

MISS ANNIE H. BODDEN (CONTINUING): morals of our Islands, and I would implore the Government and those responsible to try to do something to stop it.

Now I am not expecting everybody to be of my disposition or have my same ideas but I feel that we are all here to try to protect, as far as possible, the moral fibre of our Islands – and also to uplift morals. To my way of thinking a home and family-life are the most sacred and important things in the whole world. Besides pulling to the lower level and with the publication of such books, reading all about fornication, adultery, how absolutely essential it is, if you have one husband and he is not up to scratch just put him aside and get the next one; if you have a wife you can swap wives, you can do anything – I feel that its time that we of the Cayman Islands who have always been a pattern of good works that we should continue it and I feel that the banning of such publications, they are the two names I know, I suppose there are dozens more, that they be stopped and put on the prohibited list where people cannot sell these books.

A woman came to my office not so long ago and she said she went to some book-store and these terrible pictures of these [illegible] or magazines were on display and she said can't you remove them from the shelves. Now they have them now hidden in their offices where you can go in and buy these books, concealing from the eyes of man but not the eyes of God. And I feel that there is one thing for us to do and that is to ban such terrible books from coming to our Islands.

Thank you, Sir.

QUESTION PROPOSED

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members, I rise, being the seconder of this motion before us to say that we as legislators today feel that it is time to put emphasis where it belongs. We are saying it is time if people aren't going [illegible] themselves/read the kind of books that they should, we are going to make it as hard as possible for the type of literature described in this motion.

Mr. President and Honourable Members, when we realise the trend of today, when we look around the world in which we live this afternoon, certainly one cannot help but hang our head and ask that Almighty God will give us the guidance and show us the right path in which to walk, that we might be able to successfully lead this humble band of ours.

I am sure, Mr. President, that the same arguments that are introduced in relation to moving pictures, people being able to drink at the bars, are going to be the same arguments that are going to be placed in opposition to this [illegible]. I am not saying that in relation to Members in this House; I am speaking in relation to people throughout the Islands. There is a feeling in a free land in which we live today that everybody must be left alone to do what he or she feels led to do. I feel, Mr. President, just as strong that as I will reiterate in relation this and the films that we discussed a few days ago, that if we are going to be held responsible to be able to solve the problems that things of this nature creates, then we should have a say before it reaches that stage. I believe that God has helped us to be able to stand here today in the kind of land in which we live only because, as the scripture says "Righteousness exalteth a nation, but sin is a reproach to any people", and I like to underline that word "any" – any people.

There is no sense thinking that we can go on with the trend of the world, ignore God, put God out of our lives, fill our book-stores with filth and [illegible], our theatres with all kinds of junk and think that the ultimate is going to be good

MR. JOHN B. JEFFERSON: (CONTINUING) Christian nation, because it is not going to be possible. I am saying that we will never be able to legislate legislation for the morals of people, but yet by the other same token we as men must stand up and be counted for the things that we think are right and make sure that our people, that whatever they get that is evil will not be supported by the legislators of this Assembly.

In fact, Mr. President, there are a lot of people that they view variously things like they do their Bible. They believe the Bible until it comes to a stage where it cuts on their theology and say or they don't quite believe that part of the book. They move over that. But I believe that as far as we are concerned that we need to set things right - we need to make an effort to set things right - we need to make an effort to clean the immorality in the City in which we live body, because I believe that we are all going to be accounted and that we are our brothers' keeper. I believe that when we look and even though I must say that there has been a decline on the bookshelves of the kind of literature that was born in these Islands, that there is still a lot of filth that is placed on the shelves in these various places. There is filth that is being placed on the shelves where one can see and that is being placed in a place where only selected people may come and pick them up.

Well, I am saying that it is high time that we place these publications on the list of prohibition books in these Islands. Sometime ago the Lady Senator spoke about a certain magazine, sometime ago I attended in my own church a Women's Church and there was a package that was found towards the back of the church on the bench. Inside of it you could went to open to see if one could ascertain the names of who the property would belong to - in opening up this package this was one of the books which the Lady Senator spoke about. A book that would frighten the average person to believe that any people could possess or attempt to be able to place such terrible things in the hands of youngsters and young people as literature such as that.

I believe, Mr. President, that the Commonality around the world comes from the fact that people have gotten to the stage where they have too democracy and freedom into the ground. Freedom to do what I want, freedom to get where I want, freedom to say what I want, I believe in democracy, I believe in freedom, but equally along with freedom goes responsibility and that's why we as Members of this House today are using this and taking it in measure because we believe that along with freedom goes responsibility. And we are going to be responsible in trying to try to do what is right in this kind of area in which we live.

I believe that Government has an obligation to the people, and I believe that as elected Members of this Chamber that we have and we owe it to ourselves, our constituency and to God to be able to make sure that we do put first things first and that we do look at things that are most important.

Mr. President, I know that it is a fact that throughout the world today that sex and violence are the best-sellers on any book-store or in any theatre or any place else, but I am saying that they must never have our blessing - they must never have our blessing.

We find, in debating this motion, I am sure that no doubt we will offend someone, well I have no apologies to offer for that. I feel I have my greatest obligation to God and then to my country and my family and whether I rise or fall politically I must rise spiritually, because not only does my own soul depend upon it, but I believe that my own nation and my people depend solely upon the fact that we stand for the things that are right.

MR. JOHN D. JEFFERSON: (CONTINUING) Mr.President, as we have moved about as, I am remember some months, may be a few years ago, when there were certain movements in this territory, and I remember the Police Department confiscated certain books off the shelves of some stores in this Island, books that certainly have no reason, no place in our society - books that encouraged people to do and create criminal acts - books that provided knowledge that enabled them to be able to do things to other people and to other properties. I feel that it is high time that we , as legislators, try to scan this immoral trend - not only in our land, for we are only having a small share of this vice; many land has been ravaging the entire world for the past several years. I ask Honourable Members as we debate this motion to give it your utmost and your most serious consideration. Remember I believe that each member in this Chamber today, whether we agree, we disagree, remember that one of these days at the end of life we are going to have to give an account for what we said, for what we did and where we have gone. I want to be remembered as a man that stand for something - a man that stood up for the principles of justice and righteousness. I thank you very much, Mr.Speaker.

MR.CLERK: Mr. President and Honourable Members, I rise in support of this Private Member's motion, on such ground has been covered by the mover and the contents of this motion as to the immorality that is being played in these screen and places where these books are on sale.

We have now at present on our statute books a law governing the sale of certain books published by certain authors and I am hoping that these books of these kind of a need to be on our Counter of book sales, I guess the Government will provide someone with the examination to see into these places and see the books that are being discussed, but the motion does not state any particular books, but books that are of obscene language and anything which will be censored for the welfare and well-being of the people of the Cayman Islands.

It is true that we cannot legislate in here any law words of the weight but on the other hand I am is costing Government a lot of money to educate the youth of today who will be the future Cayman and for these children going to schools and having public money and having together of publishing these books in supermarkets as the motion says and bookstores, I am sure that something can be done by Government to stop the sale of these books.

We have all now just talking to ourselves - we are talking for the Future of the Cayman Islands and although we have not a large audience of listeners we have the press who will print it in news, such if what is being said at this present time and I would like for the press to put it plain forward that this motion is trying hard to stop the immorality that exists in the Cayman Islands.

There is no need for any long talks on this matter - the facts remain it is plain on the face of our laws and for us to go blindly into this matter would only mean just another hot argument here in this Chamber. I thank you, Sir.

MR.CHAIRMAN PEARS: Mr.President and Honourable Members, we have this private member's motion before us asking that Government give certain consideration of banning and prohibiting some or all current literature in the market. This undoubtedly will be another question in the eyes of the public, why shouldn't I be allowed to read what I want to read? I agree, but we ought to have a limit because people do as to what they ought to read from what they ought not to read as well.

MR.CRABLOCK (MOWRA)(CONTINUED): I do not going to be on this very long, Mr.President, because I don't see actually the need for it. There is obviously a difference between good and bad, poor and firm, black and white, there is a difference and if you were to ask every Bahamian in these Islands today what they would like or be their fortune, something good or something bad, they everyone would say good.

I think I make the remarks on the extent that I would have any part in trying by legislative laws to cover juveniles. People of age ought to be free to go and say what they go where they like, but they ought not be prepared to accept when they are brought before the Court under the law then to bear the consequences.

I think the whole intention of this motion is primarily to try to prevent the young, then one may say, what is the trouble? Well, according to our statute laws, so far as I know, I don't have any knowledge of that being changed, a boy and a girl is entirely from under their parents until they are of the age of twenty-one, in certain things, at least. So then the youth age should still be something within that age bracket. I know you can go to see before you are twenty-one, I know they can drive a car before they are eighteen, I know they can vote a vote before they are twenty-one, I know they can go and sit at a counter at five o'clock sprinkles before they are twenty-one. I realize all this. But I wonder today if the adults of this country are really taking a serious look at the youth of this country?

We have something like in the neighbourhood of twelve hundred students going to our school and I am hopeful, I am hoping that the amount of money that the payers are paying out for the benefit of those students receiving a good education that we as legislators and parents and adults do not get disappointed with the results on this school-year, but if I may that is having a lot of dealings with children, it what I must not know is going on, then if we don't get disappointed in our children that are going to school in this particular school this Government is entering so high up, then I will be disappointed because the type of material that some children are coming to school, if they can learn and come out in flying colours, that I don't ever take to need the school. Probably some of the literature that they are taking to school, may be the parents may have bought it, I don't know.

A few evenings ago when I got home, I saw a leaf out of a pocket book lying on the bus floor, as I usually do, I check through the bus, it was a sort missing out of the books from whatever was wanting it for the evening on the way home, so I picked it up and looked at it and the substance of it, I suppose was a take page of a girl- she didn't know that she had lost as much of her life over so many years by not including in her daily, but now she was trying to catch up on what she had lost. Now these are our children going to even ask when this is what they are studying? I see them get on the bus, they open their folders, what it is I don't know because I have tried and I have failed, parents haven't cooperated my efforts trying to help their children, they open their folders - they pass around - magazines, comics, pocket books, what-not.

Mr.President, as I say we cannot, and I cannot going to attempt as legislators may be to become law that a minor of twenty-five, thirty, twenty-one or a man that they shouldn't tell what they want to read, that they shouldn't go where they want to go, but at the tender age of your youth, if we don't make every effort to try to at least guide them to where the morality or the right that they are twenty-one and they can walk outside and the parents can't say "come back on", then

MR. CHAIRMAN, BOOKS (CONTINUED) we are in an awful state of affairs and I say, if I understand aright, that was the whole intention of this motion, let us see what we can do to try to save some of the culture of our country, the behaviour, the character, the decency, the respect of our country. Because when all of that is gone, our country is gone - we are talking about Louisiana, we talk about Louisiana, we talk about attracting this, but when all of these gone then effect and the standards and the morals of our country are gone, then everything has been gone.

Mr. President, I have been convinced for a little while now that we have people in existence in our business that will sell the birthright of this country as fast and as often as they can for a quick dollar, whether it is a youth, whether it is a cuckold or whether it is a teen-ager or what, so long as a quick dollar can come, regardless of what happens to them, the moral of that children, any or girl or the people of the country as whatever, it doesn't make any difference. And I would suppose here and I would ask the Government to make every effort to go into this without fear or favour. The shop, the supermarket, the bookstore, the waterside. This cannot carry on a profitable business without them. Thank you very much for that fine and short round of business. I thank you, Sir.

SEN. W. D. CROLEY: Mr. President and Members, I was my intention to be making some on this particular motion before the House but after hearing the mover and the seconder of this motion introduce the motion, I am yet a bit of less to know exactly what books or magazines are being referred to. I have no contention with the motion but I would have thought that the mover of this motion would, in the course of debate, assist Government by naming the publications which are considered obscene literature. They are the trustees of the supermarkets and the bookstores.

Now, surely much has been said, we have heard a lot on the morality or immorality - a lot has been said on what we would want this country to do, but Mr. President and Members, we have a motion here before us asking Government to take steps to have such books and magazines banned and yet no attempt has been made to name one magazine other than the magazine "Time Person" that the novel will be now try to "Understand in theory" but wouldn't even contain that it was.

I take it that if we are going to be true to ourselves, if we are going to have this motion put into action it must be a factual matter. So I see this, and I think this is common knowledge to all members of the Chamber here that presently there are two (2) on the statute books in this country dealing with publications - one of the nudism and one of the other. And surely if this motion is passed I wonder sir, will be the power to name the magazines or name the books that should be added to this prohibitive list. As I see it, I would have thought that the mover of the motion would have brought a list of publication, sir, if they didn't do it in the factual manner in the address saying "well, Penthouse & or Magazine 7 or consider is a magazine that should be prohibited from being imported into the Cayman Islands". A discussion will ensue and then every would have been a positive motion to consider. Surely when a person brings a motion the motion is to receive either a confirmation or it be defeated. Now the motion here, as far as I am concerned, says very little "Be it resolved that Government take steps to have such books and magazines banned and added to the list". I mention five publications, yet no mention has been made of the publications that are supposed on this list. Sir, I would have thought that it would have given the members here an opportunity of in doing within themselves

HON. W. M. CONDON (CONTINUED) ...ought here in this Chamber, no two magazines or two books, any discussion could cause.

Listening to the power of this motion, I become very concerned. I say if God has it that I am fortunate enough to illustrate the position as suggested by the First Member from Walden Town this morning as being the Chief Witch of the prison, I can see where my job will be not just running around grabbing up these people with a little of plastic bags and there or them ... I can see...

MISS ANNIE G.BOOKER: Mr.President, with all respect, I didn't say you had to pack people with plastic - I did not say that.

HON.W.M.CONDON: Mr.President, I am not suggesting that anyone said so, I am saying that I could see where my job would have to be all out. What I think we have to do on this motion - I am not going against the motion - I am not against the motion - but what I think would have been a wise thing to do is to have the names of the publications that are undesirable, if one knows that they are being sold - those publications could be listed and could be brought to the attention of the Government. I am sure that the Honorable Attorney-General will speak on this matter - he is the Legal Adviser and he knows the legislation that is now available in this direction. And I for...reminders that he will advise on the procedure on this matter. But as I see it, and I am a bit lost, I don't know what I am suggesting - I don't know what I am objecting to, because the motion is not clear enough for me to say "yes" or "no". Because I don't know what publications that are being thought of, other than this magazine called "Dark Shadows" and I don't know anything about Dark Shadows, I would have liked to have seen a copy of it so here, so that I would know exactly what I was speaking on if I was asked to ban a magazine. With the circumstances, I take it that I cannot support what the motion contains, as it stands and I don't know whether in the library, the Honorable Member who moved the motion will be generous enough to discourse on the volume of publications that are listed to be prohibited or whether or not any amendments would be suggested.

MISS ANNIE G. BOOKER: Mr.President, I thought that was the assumption it would get, so I gracefully withdraw the motion.

MR.PRESIDENT: Does the Honourable Member wish to withdraw the motion?

MISS ANNIE G.BOOKER: Withdraw it - what I am glad, Annie Beulah Booker is dead, I haven't got any criticism to be published, that I withdraw it very gracefully.

MR.JOHN D.SEFFERSON: As the seconder I object to the withdrawal, Mr.President.

MR.PRESIDENT: The motion can only be withdrawn by the leave of the House.

MISS ANNIE G.BOOKER: I am asking the leave of the House to withdraw it, let it be in the press the assumption it got.

MR.JAMES E.DOTTIN: Mr.President, I would like to object to the withdrawal and that we continue the debate.

MR PRESIDENT: Well, I think we had better take a straight vote on it, I think.

QUESTION NO. 578 MR. NEIL MCCAFFERTY

MR. PRESIDENT: I am afraid the motion still stands.

HON. MARIE ELLINGSON: Mr. President, if it stands you will have a lot of work after this.

MR. JOHN SCHWARTZENBERGER: As Chairman, as direction, I wonder if it would be in order to have the names of these books added or when would be the deadline?

MR. PRESIDENT: I am afraid the Honourable Member spoke on this motion - it is open to any member who has not spoken or if the Party Whips is wishing up to give a list, if she so desires.

MR. G. WALTER SCOTT: Mr. President, members of this Honourable House, possibly knowing we were trying to find out whether we would have sufficient business to carry us on for the day and whether it would not have been advisable to do the debate on the Throne Speech today. At that time I gave the House the assurance that I would speak for one hour on the Prism bill. It turned out that it was necessary for me to make such a lengthy debate in order to keep the House open until five o'clock. As a result I did not speak.

I am guilty of jumping to speak very early on a motion because I like to talk, but the end result of that has been that I listen but very little and so I become high y uneducated. But I do have the wisdom to make most of my talk to initiations where my deficiencies go unnoticed.

In the matter before us, in the beginning I had no strong feelings one way or the other but since there has been, what I call, some Conservative objections against this motion, I think I will give it my full support. You know that if you are talking to a Republican, or if you are a Republican and talking to somebody else you wouldn't be a very strong Republican, but let that person say that a Democrat is a crook, and right away you become an ardent Republican, and when I hear an attempt made to destroy this motion, right away I become an ardent supporter.

I know it is very difficult to determine what is obscene, particularly when it comes to literature, but that does not mean that it must be left wide-open, and that any and every publication must be put on the market.

I do believe that morals are shifting and that right now we are getting better. Morals tend to go in cycles. During the sixties was the worst decade. In that year or in those years we saw some of the worst movies shown on the screen, they saw some of the worst books published, in fact it was in the sixties that the 'Lonesome Dovery' became a best-seller. I would not like to go back to the Victorian days when you took by walls and Lovely curtains had to be kept up to separate shadows. I don't know what they thought the books could do to such others but there was the reason. It was also the reason a piano legs because they had such a strong resemblance to the female legs, but I think we have passed that now and we have come into one which does provide certainly in what a person can see and what a person can read. But nevertheless there are limits to which one must go.

I admit that it is a very difficult job for anyone to determine what is obscene. There is a classic example in the American Court History where in the sixties a Judge had to decide whether a book was obscene and he came to the conclusion that a book is not obscene, but he, in his own personal belief, he thought was an ugly book. So it is a very difficult task to say what is obscene. But if we believe that

MR. C. KELLY (KOROKY) (CONTINUED): a particular publication or particular publications were obscene, that publication should be added to the list of our prohibited books. It may have such a list and the book could be banned.

One of the films banned is the banned, and that known as "Lady Chatterley's Lover" - that book was banned in many countries for many years - today, because films have shifted and increased as time becomes permissive, you can rarely buy Lady Chatterley's Lover in any bookstand in most countries.

I have heard that adults generally read what they have been trained to read and I believe that our schools can do a better job in training the mind of the young people. They have a job to do in training them in their outlook and in their concepts and I believe that here the schools could do a good job but by calling a child or you, should not call me and me, because he will go out and read it, but by having on the bookshelves or the school library the book which would interest children of beautiful story would follow.

Now we already have in our law prohibited books - we have books on the list which are banned for certain reasons. I think there is a thing over regarding the ancient art of Occult, whether it comes with action in the home that might have just as far reaching ill-effects as a book on Occult, because it is the mind is poisoned - by obscene literature just as much damage can be done to society as if the mind is contaminated by deeds or any of the other methods.

In this I-Level we are very permissive, I remember the Church attacking the Parliament which I understand was banned in Australia and Sydney, and even our ministers, not even our priests shudder before an eye-lash, although there were a few people who objected. I see you have the Lady Member from George Town had a right . And, I would say, I congratulate this action because it is my opinion that the books written in these Islands, particularly the unpublished have come out of this way of being in obscene literature in order to increase the sales.

I enjoy reading such books sometimes, and it may be a beautiful, but nevertheless there is a difference between sex and pornography, and most of the literature which is sold does not treat sex in its beautiful form as created by our Creator but it displays sex in a perverted form, to an obscene form, and this is what we have to fight against.

The Lady Member, if I'm true to myself, but any knows that is what was from what is wrong. She knows what in the bible is published by God, the Creator, and of the human mind and for the faithfulness between man and wife, but she has the right to speak out against sex when it is used in the wrong way in books in a perverted manner and I thank her for it, and I give her my entire support on this act on. When the motion is passed - I have already spoken the piece and I have this thing really well - any time we get the opposition member there is no question about whether the Government vote rally, the motion (sic), and what this does - protect, somebody will have a big job. I don't know if there is a law now but the words, but I imagine it won't be so difficult as the Member from East said in Executive Council but I do believe. I think that any book can be added - the list of prohibited books now by Executive Council adding it to the schedule of the law. I'm not a class on this but if the law is not strong, it can always be amended. I know the normal way its those things are put banned as for a prohibited article to be added to the schedule just by the agency of a gen. in Executive Council is the simple as drafted and I think we will find that this particular instance will be the same.

MR. [illegible] (CONTINUED): Now, the decision to ban a particular book will be a difficult problem but it is not insurmountable, as the honourable member for Queenstown Council would have us believe, so that I am sure Hon has always believed that if you ostrich something, or if you put the sand to a test, right away people begin to watch their impressionings.

If one of the decisions regarding the Chinese books to allow persons of this nation, I believe that the next statement it broke around it would be nothing but New Zealand books. It is now known that the Assembly is watching what is being put on the shelves. I believe the Cultural Committees will do their own policing, but it we accept the attitude that we can do anything about it and that nothing can be edited out, they will go from bad to worse and we will have the moral cycle, the pendulum swinging towards everything worst. So I support the Lady Member in this motion fully and I know how she felt when she attempted to withdraw the motion. Because nobody knows what looking more than the Soldier Time Members, but she need not be afraid of a few weaklings who might oppose her, she need not be afraid of them because there are two solid members on this side, the Queenstown Lakes Members who will support her to the hilt. Thank you.

MR. JAMES K. [illegible]: Mr. President, Fellow Members, I really did not intend to speak on this motion, only to support it. In the recess or just before the recess I went out to try and find out if there was anything that could help us out of this dilemma and I find that we have a law, a very simple one and it doesn't say much, I would not be able to quote really what you do with it, but it was put together in 1927 which is about 43 years ago and at that time the legislature did deem it necessary to have a law that would not only deal with the Chinese publications, but it would deal with the writings, drawings, prints, paintings, printed matter, pictures, posters, cardboard, photographs, cinematograph films, or any other obscene object. In addition to this the person would be prosecuted, not for selling them, but even for having them. And as soon you the impression that must have been placed on this particular bill when it was enacted the penalty at that time was ten pounds or two months imprisonment or both - I am sorry about "or both" we two months with or without hard labour. So as unfortunately back again as that we find that there was serious thinking about these things even in 1927. And I will admit that I have no plans, intentions or acknowledgment that Hutton would be humbled - according to this Article paragraph I think it can be handled by presenting that before the Justices of the Peace who would determine whether it was of an obscene nature or not, but there is one great substantial fact I've got in this Chamber, and that is as the Mayor mentioned with My Worship and myself we have to help look the Fourth Elected Member of Recreation Council out of the darkness. And it seems to me that to give him I would suggest an amendment to this particular motion asking that a Committee of three members be set up from this House to express an opinion is necessary to be done to determine the type of books which could be considered to be obscene, and to submit more light to the Recreation Council or whoever it is that does study this under the Act. I once that it has been done in one past because I do recall a matter down not since this was coming from such and such books to be taken to the prohibition list, so I think that if we had an amendment like this to the motion which has been placed by the First Elected Member from Queens then and it duly seconded by the Second Elected Member from Otago, I think it would be of great help at this time in our deliberations, so I would respectfully submit an amendment but a

MR. JAMES MACHARIA (CONTINUING) Committee of three members to canvass and proceed to determine what books could be banned under the present law and to submit such list to the appropriate authorities requesting immediate action. Thank you.

HONOURABLE MAGISTRATES: Mr.President, Honourable Members, I have certain many sympathy with the Lady Member who proposed this motion, moved this motion on her own admission she had never read any of these publications which she alleges to be obscene and so is really proceeding under the cover of what I might call, second-hand information or hear-say evidence and I am also sure that had she been write or had she read some of these publications that she would have moved the motion in a much more vehement manner, because I have no doubt, Mr.President and Members that there is no or found in the shops in Grant Duncan or the book shelves a number of publications which perhaps could be banned to be obscene.

However, Mr.President and Members, I think that there is a bit of confusion here in the manner in which this motion has been moved and even in response to the amendment which was suggested by the last speaker. The motion as moved originally moved, asked that steps be taken by Government to have such books, the books that were mentioned in the preamble, such books and/or publications banned and added to the list of prohibited publications. Now I wonder how that what the mover of the motion said in the debate what list of prohibitive publications she was referring to. The last Speaker referred to a Law which this Industry had discovered and I think he referred to the Obscene Publications Law, if I am getting correctly, but under that Law, Mr.President and Members there is no power to place any book on prohibited list.....

MR. INNER M.ARCHER: Mr.President, on a point of correction. I did not use this particular law in trying to go anything forward under this Act, Sir, I was just using this Act to point out that there was some reluctance in regards to this motion before also first as it had been considered as a law back in 1967. I am quite aware of that, Sir. I don't think there was nothing given under this Law detailing how anything could be read and I would appreciate if the Honourable Second Official Member, as the adviser to this Assembly would look down his books, Sir.

HONOURABLE MINISTER: Mr.President, I am sorry if I have misquoted the Number, the First Official Number for Sodom Town, but could I move the amendment that we proposed and because it I have misunderstood the amendment I do apologise at once.

MR.SPEAKER: Would you please give your proposed Amendment in writing to the Clerk?

CLERK: The amendment proposed was set up a Committee consisting of three elected members of this House to canvass the book shops and make a list if such literature or in whatever is necessary to determine what books, writings or publications could be banned. Also importation of any Islands and to submit such lists to the appropriate authorities for immediate action.

HON.M.P.MUSYIMI: Mr.President and Members, I thought I did intervene the Member correctly and I agree, Mr.President, that there is no provision whatsoever under the Obscene Publications Law for the banning of any books.....

MR. JAMES T. SNYDER: Mr.President, on another point of order. Sir, I have not read this in any respect - there is no schedule attached to this law under which I could bring such a motion, Sir..

MR.PRESIDENT: But the Honourable Attorney-General is not referring specifically to the honourable Member's speech at all- he is giving an interpretation of this law and saying that there is no provision under it to ban books, but he is not referring to the honorable Member's speech. He is interpreting this piece of law.

HON. C.B.WILLIAMS: The point I am trying to make, Mr.Speaker sir,is that the amendment as it stands could achieve no object because there is no power under the Obscene Publications Law for the banning of obscene books.

I think that the mover of the resolution the Lady Member was perhaps referring to the powers which are contained in the Governor in Council to make an order under the Uncertainable Publications, prohibition of importation law, which is Chapter 177 prohibiting the importation of the books and magazines to which she referred.

And under that law Mr.President and Members the Governor in Council is empowered to make an order prohibiting the importation of any publication which, in his opinion is contrary to the public interest but in order to make such an order it would be necessary to name the particular publication in the order with sufficient particularity as to enable it to be positively identified. The matter doesn't end there. Mr.President and Members, because the Uncensorable Publications law merely deals with publications of the nature of newspapers or pictorial publications or publications dealing with matters like statecraft and other matters and does not deal with obscene and vicarious which exist, possibly under the Obscene Publications Law.

Now the only authority to determine whether a matter is obscene or not happens to be the Court. Obscenity is a very difficult thing, as was pointed out by the Second Elected Member for Prince Town - it is a very difficult thing to determine and what one tribunal may hold to be obscene another position on appeal may hold to the contrary. Indeed the Lady Member for George Town referred to certain pictures which she had seen of nude women. One can only begin to appreciate some of the best museums in the world to see pictures of nude women which are there because of their artistic beauty and it depend really on the eye through which some pictures are viewed, and so it is a very difficult matter, in fact which, to determine what is obscene or what is not and as the Obscene Publications law leaves that to be determined by the Court and in my view there is some ample provisions in that law for the members of the public to test any matters which such person might consider to be obscene and if the member of the public does not desire to do so there unless all they would have to do would be to report any particular publication or book to the Commissioner of Police and let him take the necessary steps in having a warrant issued to seize the particular publication and have it brought before the court for its assembly or otherwise to be determined. It may be that after that exercise has been carried if a Court ruled that the particular publication was in fact obscene, then it could be said to be contrary to the public interest to have it imported and in that case, after those circumstances have been done it can perhaps be possible to add such a publication to the list of uncertainable publications under the Listed law but the point is, Mr.President and Members that as the original motion stands it seems to me a bit in a vacuum because what it is seeking to do is to have the

MRS. G.E.MACDONALD. Government. Like some steps I don't know what the steps will be; perhaps to need assault an officer of Government to get the book stores to check on these publications and to decide whether or not they are obscene. Which of course is something that we could very well, because as I have said before the arbiter or obscenity happens to be the Court and so, Mr. President and Honourable Members, it would seem to be that it would be quite impossible, as the motion stands, and indeed even on the suggested amendment where that if this nation was passed, to implement it.

I have been asked Mr.President and Members by the Second Elected Member for West Bay to propose a resolution that the books "Peat House", "Playboy" "Playgirl" "Penthouse" and any such publications of this nature be to command and put on the list, but as I have explained before Mr.President and Members I don't know anything about these books. The Lady Member who moved the motion admitted not having read them - I can't for myself say whether these books are obscene or not, indeed it would not be fair as for anybody else to say that they are obscene, it would be necessary for a test case to be made by someone applying under the Obscene Publications Law for a warrant to seize these books and so have them brought before the Court, and if the Court rules, after hearing the case, that any of these books, are, in fact obscene, then of course different consideration would apply but at this stage could it be taken to have these books put on the Prohibited list in the Undesirable Publications Law. But I could not, at the present time, move such a resolution and, as I have said, I could not for one suspect either the motion as moved or the amendment because it would be just virtually impossible to implement it at the present time.

MR. JAMES M.RYAN: On a point of reference, Sir, or a point of order, not really order, but I need some clarification, Sir. I wonder if the Second Official Member would give it to us because things of this nature have been dealt with before under another law that we have and we have the list of books here that have been banned, and even of these, Sir, some be books of the nature of which we are discussing - not books that are just to be banned because of pedition. In the law here I cannot find anything that says that the only cases of a seditious nature that can be banned, it says something about the public good and there are books here such as "The Book is Evil", Spicy Detectives","Soviet Woman", "Reincarnation" "Have Safe Pleasure" and so forth - I mean my imagination could lead me to think it could be something other than a seditious nature. And I wonder whether we could get clarification from the Second Official Member on that, Sir?

HON. G.C. MACMILLAN: I would give some clarification if I could have the document from which the member has been reading.

MR. JOHN D. JEFFERSON: I wonder if it would be in order for me to suspend the House, say, for five minutes or ten minutes in order to be able to deal with this matter?

HIS EXCELLENCY: I think the position is that there is a motion before the House, the motion is still open for debate, there is a proposal for an amendment which has not yet been seconded - I think that if the Honourable Attorney-General would like time to study his legal precedents I am quite prepared to suspend, but if he is ready to deal with the matter now, I think we can continue the debate.

MRS. G.A. MATHIESON: Mr.President, the document which has been handed to me is Mr Ozden which was made under the Undesirable Publications Prohibition of Importation Act and amongst the list of documents which have been banned there, there are four items which have been directed by the Minister, I take it, for Customs to a long list of publications and one is the "Book to Kill" published by Eulbuna Publications Incorporated of Wilmington , Delaware, "Sewing Woman" and "Subversion". Well, I am quite unable, without seeing these publications, to say whether, first of all, they were within the purport of the Undesirable Publications Law, that is to say publications which are of a seditious or subversive nature or dealing with things like Chess and witchcraft. It may very well be that "Spicy Detective", for instance, is the title and that I could say perhaps simply as if it could be something dealing with espionage, I just don't know, but it could be that that was on the list after having been reviewed in some way or other if it was in fact indeed there - I am unable to say.

What I would like to say, Mr. President and Members, is that I have a great deal of sympathy for the motion and if it is possible, in some way, to have it amended so as to make it capable of implementation I would be very happy to support an amendment but I would need some time to do so, but I would again affirm that whatever right is on this list "Spicy Detective" as far it is my view that the Undesirable Publications Law, which was a law that was passed in 1940, I think it is.....

MR.PRESIDENT: I think in view of the complexity of this matter it would be wise to suspend for ten minutes....

HON.G.M.MACKENZIE: I don't think it is necessary, Mr. President, I am just looking for point of it in my view the Undesirable Publications Law was designed to cover matters other than obscenity and the OBSCENE Publications Law is the law which deals with obscene publications and that, in my view, a matter that was obscene would have to be determined as to be by the Court hence it could be placed provisionally in an Order under the Undesirable Publications Law.

Mr.President I am grateful to my Black Caucus for suggesting that this issue earlier on in the week I think, appointed a committee to go into the matter of cinematograph films and may be the terms of reference of that committee could be extended to consider and make recommendations in respect of matters which the Committee might consider to be obscene, and that might be a way of amending this motion to make it effective.

MR.PRESIDENT: Is that not rather the terms of a suggestion additional that the Committee of Three, I think, was been mentioned should be set up, perhaps the two committees could be combined no....

HON.G.T.MCINTOSH: Yes, that could be done as a proper amendment of this motion, Mr.President. If I was given a little time, Mr.President, I could perhaps draft a suitable amendment to the motion.

MR.PRESIDENT: In that case I think I will suspend for five minutes to allow this to be considered.

HOUSE SUSPENDED FOR FIVE MINUTES

House resumed

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

PAUL E. WASHINGTON: Mr. President and Members, I'd like to formally move an amendment to the motion before this House by deleting the resolve section and substituting the following:

"BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to consider the question of the showing of Cinematographs films be requested that consider this problem as well and bring it with urgency with the like powers to call for persons and send for papers and to report back to the Legislative Assembly its findings and suggestions for any action which it considers necessary to be taken in the matter".

HON. D. V. WATTS: Second.

PAUL E. WASHINGTON: May I might just one slight amendment instead of "which it considers necessary." "which it may consider necessary to be taken in the matter".

MR. PRESIDENT: An amendment has been proposed to this motion after the preamble to the original motion standing in the name of the Honourable Lady Member, that the resolve section be deleted and the following be inserted -

> "BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to consider the question of the showing of Cinematographs films be requested to consider this problem as well and bring it with urgency with the like powers to call for persons and send for papers and to report back to the Legislative Assembly its findings and suggestions for any action which it considers necessary to be taken in the matter".

As this is a formal amendment I shall allow debate if Members so wish on this amendment.

MR. CHESLEY A. CRAIG: Mr.President, I am a bit surprised that I was taken up so quickly to speak on an amendment which, basically, is the same amendment which I had placed before to begin before this adjournment. But the only significant difference is that we are asking that we have the same Committee on it that was handling the other matter.

Now Mr.President, I can assure gladly a political game being played by the elected members of this House, because that is our business and our profession as politician, but it is quite difficult for me to accept it when it comes from the official Bench of Government and I hardly expect to show it. Mr.President, I think this is not the first occasion this has happened. Ever since my colleague and myself have taken our seats in this Assembly, there has been repeated attempts by the Member I am speaking about to make insinuations on just about every motion and anything we have ever moved here in regards to the - Whether my colleague or myself happen to have any legal knowledge - we are as ignorant when it comes to law as any man you will find on the street, but there are, I do not believe that we have been proven wrong here yet in this House in the things that we have brought forward from time to time on our Bills. There were several attempts to place the amendment in the wrong light ...

MR. PRESIDENT: I think I must ask the Honourable Member to speak to the amendment rather than the procedural

MR. PRESIDENT (GOTTFRIED) agreed to it.

MR. JAMES H. BOGGS: In order to do that, Mr.President, it was necessary for me to build a case so to say why I do not think that the amendment,in its present form, would be suitable to the House.

Mr.President, neither of these laws were being spoken of in regards to banning any of these matters or amendments under them, and I am sure that one of the laws would have been found that it would have been brought under the motion that I previously submitted, or the amendment to the motion that I previously submitted only asked that this committee be set up to study what books or publications or so forth could be determined as obscene and to report back to the appropriate authority. I admitted that I did not know what the proper authority would be,there so therefore that is the reason I have changed my motion from the first time that I presented it to the House because I think - but with Executive Council. In the amended amendment I named the appropriate authority, and that might appear as a small matter, but it has great significance and, Mr.President, this matter should be dealt with with responsibility and it should be dealt with under which-ever law that appropriately it can be brought under. In my humble estimation as a layman probably, but I think mistake that was made was that the first Electoral Author from George Town did not bring the matter before it as a motion to be attended by the Obscene Literature Law, or Publications Law - why be if that had been the all of them conclusion would have been arrived in the first place.

I shall support the motion that was placed at the first reading. I will go on it as through - I would like for this House to look something, I do not know yet what it is, but I cannot see any significant reason for the second amendment which has been placed before the House, Therefore, I am not withdrawing the amendment I previously placed and I would vote for the motion at this point even if there wasn't an amendment to it. I thank you, Sir.

HON. JOHN H. BODDEN: Mr.President and Members of this House, I was very sure what I pertained this motion that there would be a lot of controversy, however, I am in real this what it moved. Things are not appreciated in this day and age. I have heard certain Members of this House say that eternal life is one generation regetting another. That's their idea of eternal life. I see it a little on a better scale. Well, I am very sorry, Sir, that this thing has been misunderstood. I am very sure that people won't want to think evil - they would rather see this Island go to H E L L next, I am talking no exceptions.

This Undesirable Publications law says in section 3 (1) "Where the Administration is informed of the opinion that the importation of any publication would be contrary to the public interest he may by order prohibit the importation of such publication". Now I do not profess to be any qualified legal mind - I profess to be a good common-sense woman, and I am saying, Sir, that those of us who believe that our Islands should have some standard whereby to live will not be satisfied to have our moral library stocked with all kinds of books, and whether would we be not strict to have them or not.

I therefore - it must be about ten years ago - may be eighteen months, the very Ministers were so concerned about those books that they went from shop to shop and those who

MISS ANNIE S.BODDEN (Continued) ...not great enough to stop the importation, stopped it, those who were vicious to get money kept it up. Even it doesn't matter to me personally - I don't read any of these books as I don't know their contents or anything, but when legislators, connected with people who are interested in the youth of our Islands making that statement by law. I don't think there should be this mountain made out of it personally. I am prepared to withdraw the resolution my mirute, because I must say that we are getting to a stage now where we don't know the difference between good and bad, and bad is always upheld and good put down.

I am very sorry, Mr.President, that if we hadn't the class of legislature that we had say twenty-five or thirty years ago, there wouldn't be any question - they would accept it that we must do all we can to prevent evil from spreading, but now all you want is the people come here who corrupt us, people who come and waste foreigners' money - all kind of people come here and now, if children are allowed to read about back ed/wards, and this and that and the other thing, to poison their minds, what will we expect in the next fifteen years from today? I might not be alive, but Grandma will suffer and I am very sure that it won't be anybody that Annie Bodden has to suffer, remember I am a long ways.

I assure this display that goes on in this Assembly - after all I am not being a party to searching out the books that are on sale in the Commissioner's Office, but one on the opposite side, I tell them would assist, they left "Oh, let's get it on board, we'll can talk them out. If the assembly". That was terrible, but I am not prepared to accept anything less than what I ask for. I am willing to withdraw it any minute. Thank you, Sir.

MR. G. HAIG BODDEN: Mr.President, I cannot accept this amendment. It seems to be in the making two ways out. It would be a horrible task for one committee to undertake both jobs.

This amendment repeals the Committee that was set up a few days ago to also undertake the investigation of the Obscene Literature. As a member of the former committee it would have no alternative, but to resign from that committee, if this job is also thrust upon the Committee.

The original motion seemed quite good to me, despite a little opposition to it, but you have to remember that always you have more than one person, you are likely to get disagreement, as one person or two members' objection, which is all I have heard so far, should not stop this thing from going through with the original motion, even if the original motion was far fetched. But I don't consider that it was far fetched, and I cannot support this amendment. If the amendment was putting up a new Committee to deal with this, I might look on it in a different light.

I am not sure to hear the Lady Member say that she is willing to withdraw this motion - I should say she should put this motion to the vote - I'll go along with her in order for the support of this motion, then when the motion is carried the onus will be on Government to, then Government steps are necessary in the various ways, to deal with this matter. Then Government can go about it in whatever way it feels is best. At the present time I have to voice my disagreement with this amendment and will definitely vote against it.

CAPTAIN A.ROSS: Mr.President and Honourable Members, I support the motion and I am very much in sympathy with it from all angles, but there is one thing about it - to have a motion

DEPUTY ASSISTANT DISTRICT ATTORNEY: ...you must have a specific charge. Now I know the whole book from one end to the other, many books that I really wouldn't want to see come here, and as a matter of fact, I was going to suggest, Sir, that we appoint the Honorable Edward Weaver the Judge Pro Tem to read some of them, because I know he has read most of the dirty ones, and I would undertake to read some of them, too. For instance, the Happy Hooker is quite a book and everyone that has written -- She has just written one I haven't read it yet, but it was coming out -- I think it is out now -- you can buy all of them in America. I wouldn't really like to see those books banned, but, as I have said, there must be a specific charge. Now if I didn't support here I would be a hypocrite because nobody has been more vociferous in condemning the Clown, especially the one we have May Wood, than I have been. Well that's because that is the only one that I attend, I have never been to any of the others. But if I am in that Board I would certainly object to any picture that was indecent being shown in any theatre.

Now, it is quite a difference, though, when we think of the Clown, because there is a specific thing you are seeing a picture that is vulgar in every sense of the word, the filthy language that is being used there, burning sex on a four-poster, where everyone knows it, and calling you can hear it, it is embarrassing and that is something you can declare because the issue is down to earth. But how can you ask the Government to condemn books that may be in perpetual chaos, but little novelty shows drag at the end, you must name the thing, and so I don't know if I would condemn the Government in this action - I think I could go along and do no wrong with it, and I don't know what the others are thinking about, whether they are afraid that the youngsters may kill/rape those vote down them or they don't permit them to read this dirty books or whether - I don't know what political angle there is to it but I don't mind having on the board - not at all.

I have been vehement in my condemnation of the Clown. I think it is of - one of the vilest pictures I have ever witnessed in my life. I saw on that show and, as one reporter said, the 'Wife' that was forbidden in America, but now I know now that were and there really wasn't a dirty picture - it was a wicked, cruel picture. I call it was bad in the touch of the - well all the reaction you get from the Media which is bad enough, I think they had got the remedies and I can see the reason for them condemning it. You know everybody knows what it was like when the Nazi didn't do the right thing they took vengeance on him, they put the Jew's hand out and put it in the fire and liked the Britain's government and I don't think Canada wanted to get any more of the Media in Nazis than they have with the Jerja Lawrence....

MR. CHAIRMAN: I think we are digressing here.....

DEPUTY ASSISTANT: But the issue I would recommend for us to have completely from Ceylon is the Happy Hooker that came out two years ago and the one last year, the Happy Hooker one, but I don't know the name. It had a Hyderabad title and any book by the Happy Hooker you would be very safe in banning because I have never read anything so filthy in my life. I thank you, Sir.

MR. JOHN J. TRUDEAU: Mr. President, I would like a quotation here that I have used many times, I believe it is correct and that is by the late John Noble Haldane after the Fall of Ranch Indochina said "Victory has been won from lost battles"

MR. JOHN D.JEFFERSON (COMMISSIONER): I agree, Mr.President, in appreciation of the amendment on the floor and I simply want to say this that we do not want to delay or have any motion voted on in this Legislature and go out later and find out that it is sufficient enough to do what we intended it would do. Since there is and there has been a Committee set up to deal with the circumstances I can see this could go a long way of the Committee and it would be well-worth this effort, as far as I am concerned.

You see, I feel that victory in this is within our grasp and I am of the way that when I am with us the good Lord knows it takes a lot of blood to defend me because I am sure that the goal that we are fighting for here is the morals of our country and it is well-worthy any fight that we have to put up to do it.

I look at the problem a little different, may be, but it was just about this time that I sat down when I remarked that even in the motion we had, we had a motion that no doubt could have been passed and would have been passed but you neither specific, no specific number were named and yet the Second Official Member tells us that under the present law we wouldn't be able to get it done, wasn't sufficient. Well, I have to trust the legal advice of other people, because I am not that learnedly-minded myself who told Ching that I went. Mr.President, and so the quick answer insofar as far as did I remember, is to get what we are asking for and that we be able to find a way of being able to pay the publication of these books in these Islands.

I would ask further late remember that anything that is worthwhile costs no something. No price is too high to pay for the ideals of any country if we can have them. We are ready fellas. I think the motion have given us a chance to salvage the ship. I believe we can, I think we will and I would ask everyone of us - lets set aside everything, close the party, and take any that we are going to win this battle.

I certainly appreciate the effort being made by the Second Official Member to help us to be able to salvage that action and unfortunately, I certainly want to ask Members late last minute changes as that's affect not to win this battle - we have done quite well on the amendments I know that we have been debating by, we had uncertainty of members in regards to that, the illegal sale of liquor regulations under 21. I think we have enough to be sure of. Well, I don't want to stop halfway. I play for all but that's what I think we are playing for this afternoon - we are playing for all or nothing, and I believe that every effort should be made by everyone of us - and lets let everything ride - let it work itself out in the wash, but lets salvage this motion and I commend the amendment as spoken and ask for their whole-hearted support because the job that we are doing won't be measured in dollars or material things but it will be measured in the savings that never pass away. Thank you very much.

MR. CLYDE EDDIE: Mr.President, I just want to second the first Member, Hon. The Clerk read - this was over-looked.

MEMBER JEFFERSON: Mr.President and Members, in view of the remarks of the Hon. Member to be by the First Elected Member for Eastern Town, I think I should say, for the benefit of members that I am by no means a politician. I'm lawyer and I am here to advise this House to the best of my ability, and

MR. [illegible] (continued) ... I should like to assure the Senate that there was no political motive whatever behind my not being able to accept the amendment proposed by the Member for [illegible] reason for not being able to support that amendment was the fact that the motion stated that this Committee should submit the books which in consequence would be laimed to the appropriate authority to take immediate action - immediate action

... Sir, Mr.President and Members the appropriate authority under the Undesirable Publications (Prohibition of Importation) Law is the Governor in Council, and I think it would be most improper for any resolution to say that the Governor in Council should take immediate action in the opinion of the Members of the Committee. In the final analysis it will be for the Governor in Council to decide whether, in his opinion, the importation of the particular publication would be necessary in the public interest and it could very well be that even despite any recommendations of the Committee it might not be considered by the Governor in Council and so that was no sole reason for not supporting that amendment.

MR.PRESIDENT: Well, I shall put back to the Senate now, that the words of the original motion, namely there is an amendment moved by the Honourable Elton Mackay for deletion therefrom and seconded by the Second Member for Yarmouth and Shelburne. Now I shall first put the question that the words of the question stand as in the original motion, if that is agreed, such amendment fall away and I then put the question as in the original motion. If that question is negatived we then proceed to the amendment by the Honourable Elton Member for Antigonish which I shall then read and if that fails away as any left with the second amendment which I shall also read but at that time.

QUESTION being put on the words of THE QUESTION AS STAND AS IN THE ORIGINAL MOTION,

decision. Those who agree,

MR.PRESIDENT: I think the Ayes have it,

MRS.FRANK H.SYMONDS: I'd like a Division, Mr.President.

MR.A.MACKAY: A division - a...

DIVISION

AYES

NOES

Hon.D.V.Petley
Hon. W.C.Darkington
Prof.T.Foster
Hon.J.M.Connolly

Hon.J.M.Connolly - abstain.
Hon. Chas.Dickson
Mr.Claude Gill
MR.JAMES M.MORRISEY: Abstain.
Mr. J.Ralph Nicholson
CHAIRMAN: I abstain - I don't even know what we are voting for now there are so many conditions to it that I know I am not going to be any wiser, I am not going to be any more to check the books that would be published

3

THE APOSTOLIC...

MR.SPEAKER: The question is defeated and we pass next to the first amendment. Now the first amendment is to set out the preamble in the original motion and the resolution section of the amendment reads as follows -

"BE IT RESOLVED that the Government set up a Committee consisting of three elected members of this House to consider the book-burning and issue a list of such literature or by whatever is necessary to determine what books, writings or publications should be barred from importation to the Islands and to submit such list to the appropriate authority for immediate action."

QUESTION PUT ON FIRST AMENDMENT:

AYES 2 NOES 26

MR.PRESIDENT: I think the noes have it.

MR. JONES to SPEAKER: Could we have a division, Sir

DIVISION

AYES

NOES

Hon. D.V.Astley
Hon.T.E.Robbins
Hon.L.Powell
Hon. V. McConnilly

MR. SPEAKER: Abstention

ABSTENTIONS: 5

MR.PRESIDENT: The first amendment is defeated and we proceed to the motion as amended by the second amendment proposed by the Honourable Attorney-General. The resolution section would now read -

"BE IT RESOLVED that the Committee which was set up by this Legislative Assembly to examine the question of the showing of pornographic films be reassembled to consider this problem as well and report it with urgency with the powers to co-opt persons and send for papers and to report back to this Legislative Assembly its findings and suggestions for any action which it considers may be necessary to be taken in the matter".

QUESTION PUT ON SECOND AMENDMENT:

AYES AND NOES

MR.PRESIDENT: I think the ayes definitely have it this time.

THE MOTION AS AMENDED BY THE SECOND AMENDMENT WAS PASSED.

HON. JOHN H.HAMILTON: Mr.President, and Members of this House I give immediate notice that I resign from my committee

MISS [illegible] about the synchronograph [illegible] away.

MR. G. [illegible]: Mr. President, I'd already announced my intention, I just want to confirm it that I resign from the synchronographic committee.

MR. JOSH [illegible]: Mr. President, I won't run out - I will stand right by them.

MR. PRESIDENT: That concludes business on the order of the day.

Adjournment

[illegible]: Mr. President and honourable Members, I beg to move that the House adjourn until 10 o'clock tomorrow morning.

HON. C.E. [illegible]: I beg to second the motion.

QUESTION PUT.

MEMBERS: AYES.

MR. PRESIDENT: The ayes have it.

AT 5.27 P.M. THE SPEAKER ADJOURNED UNTIL THE 21st of MARCH, 1972, at 10 a.m.

FRIDAY, 21st JANUARY, 1975

His Excellency the Governor, Hon. Thomas RUSSELL, CBE. - PRESIDENT

GOVERNMENT MEMBERS

Hon. D.V. Mottram, OBE., J.P.	First Official Member
Hon. G.B. Waddington, CBE., QC.	Second Official Member
Hon. Trevor Foster	Member for Lesser Territories Communications and Industries.
Hon. W.W. Connolly, O.B.E., J.P.	Member for Lands and Natural Resources Tourism and Agriculture

ELECTED MEMBERS

Mr. John D. Jefferson	First Electoral District, West Bay
Miss Sandra M. Bodden	Second Electoral District, George Town
Mr. Claude W. Hill	Second Electoral District, George Town
Capt. R.A. Reid	Third Electoral District, Lesser Islands
Mr. Truman M. Bodden	Fourth Electoral District, Cayman Brac
Mr. G. Haig Bodden	Fourth Electoral District, Cayman Brac
Mr. Benjamin Ebanks	Fifth Electoral District, North Side

ORDER OF THE DAY

TUESDAY, 23RD MARCH, 1976

1. CONFIRMATION OF MINUTES OF MEETINGS HELD ON 20TH, 21ST, 22ND, 27TH, 28TH AND 29TH NOVEMBER AND 4TH DECEMBER, 1974.

2. MOTION BY MR. CRADDOCK READING FOR DEBATE ON THE ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR.

3. DEBATE ON THE GOVERNOR'S SPEECH.

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FRIDAY, 21ST MARCH, 1974

11 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Before we begin this morning's order of the day, it has been reported that some members of the general public are using parts of the Annex which are not inside for members of the Assembly. And I would like to make it quite clear that the Sergeant-At-Arms has full authority to enforce the rules appertaining to this Assembly Building.

MR. HUGH D. JEFFERSON: Thank you very much, Mr. President.

MR. PRESIDENT: We'll proceed to the first item on the agenda - the orders of the day.

HON. D.V. ARTHUR: Mr. President, I beg to move the confirmation of minutes of the Legislature, held on the 20th, 21st, 22nd, 25th, 26th and 27th November, and the 4th December, 1973.

SECONDED BY HON. H.H. WORRINGTON

MR. PRESIDENT: It has been moved that minutes of the meeting held on the 20th, 21st, 22nd, 25th, 26th and 27th November, and the 4th December, 1973 be confirmed.

QUESTION PUT: AGREED. Minutes confirmed.

MR. CLAUDE M. HILL: Mr. President and Honourable Members, I see on the order of the day a debate on the Throne Speech. I don't know if I'm in the right procedure with standing and speaking at this present time without you announcing the debate. Am I in the right procedure by standing to debate on the Throne Speech without your --------

MR. PRESIDENT: I think perhaps that the motion should be removed by the Honourable Member from North Side, before Members speak.

MR. CLAUDE M. HILL: Ok Sir, I'll make him speak.

MR. CHADDOCK EVANS: Mr. Prominent and Honourable Members, I moved that the debate on the Throne Speech given by His Excellency the Governor on Tuesday Morning the 18th March, 1974 be taken at this time.

SECONDED BY MR. CLAUDE M. HILL.

MR. PRESIDENT: Now the motion is now open for debate.

MR. CHADDOCK EVANS: Mr. President and Honourable Members of this House - At this, Mr. President, it is the first Throne Speech delivered to me in this Chamber. I compliment you on your delivery. You have executed a duty for your short time here, I must say, very excellent. You have shown a special form of dignity which will always be remembered. We were once called 'The Island that time forgot," and then your predecessor called us "The most fortunate Colonies." Now, I say we are very fortunate to have someone like you to represent us as Her Majesty's representative.

You started the Throne Speech by stating that the Executive Council and the Assembly had really rhythm in dispatching their business, and having an output which was creditable. But Sir, with you and your help I would say, made it much happier and healthier.

Mention was made by you of paving your course or picking your course like a surveyor, and I would say that you have used your judgment - as you mention, the log and the vertical Tables to see clearly where we are in this March of March, 1974.

MR. CLAUDE M. HILL: (CONTD.): Your time here, well Sir, has been very short, and you have so far shown signs of a good Government, and its people who help form the Government is quite concerned to help.

Dealing on communications, docks and Public Transport. These are one of your first mentions. It is quite true a number of projects were completed in the year 1974. A larger scale of projects was hoped to be done in the year 1975. It is very gratifying to learn that a pier had been completed in North Side, although the building all started by a mistake that it was built to serve for something else, but now it is being used as a clinic which is very needed in that district. A new secondary block was added to the Cayman Islands High School and additional classroom facilities were added to the Cayman Brac High School, and an infant block completed at East End. A new air-freight shed was completed at the Owen Roberts Airport, and the police were brought up to standard with radio and other essential equipment. The laboratory building for the Natural Resources Study was also completed in 1974.

The study of reefs, corals and marine life in our Islands is considering very essential with our future development in the Tourism. But I would say that those that were engaged in this will determine whether the study will produce the answers required by our Government.

The Mosquito Research unit, seems to be having problems because of the oil crisis. I am sorry to learn that 5% of our current budget is being involved and absorbed. There was also taken on and a Civil Engineer was recruited in 1974 for this department. I hope that with his help that we can find some answer to control mosquitoes, seeing that this oil crisis is partly the hold up with the campaign on mosquitoes.

Now, on agriculture. You stated we have a new head of department of Agriculture has been appointed, and a small increase in staff and the remodeling of the building - which is complete - but as I say and you some encouragement for I have always said this, and will continue to say this, any country that cannot provide something from its soil because the cost of living could be very high.

In looking at crime; yesterday, one at least that was which the case of slaughtered meat would be put down, although at present, slaughtered meats that are raised in the Islands are obtaining a price equivalent to the prices we have to deal with the prices of foreign meat or imported meat.

Looking at Tourism again. We established a department of Tourism in 1974. We learn from your Throne Speech that all Tourist facilities with more than six beds are now subject to an annual inspection and licensing. I certainly do doubt on a matter in regards to people being prevented and coming into the Islands by dying of accidental death in the sea, which most of them are overseas. But I would think that the Tourist department checking could be done. In the registration of qualified men particularly divers, as whether they must take a qualified diver or not - or a guide. We learn that promotional programmes have been evolved and reservation services has been established in Miami to replace hotel bookings by travel agents. I don't feel this is the right way to look at it. I am no expert. We have make-weight suggestions - I know I might say, which have much more to offer than we have, medium offering rates. They are our competitors, and it is no use hiding on the fact, competition is good in many respects and it will always be competition in any business you go into regardless of what nature it is. But let us highlight our beauty and see what other countries are doing to encourage visitors to their shores.

On the Cadastral Survey, I see, and I was where progress was made, "bit" and a big "but", I don't know how far an

MR. CLERK: [illegible] will go and conduct in the progress [illegible] certain areas of this island.

Dealing on Health, Education and Social Services. The special courses for children are being provided for in the upper storey of the Secondary Modern School building. The High School has benefitted from the expenditure of $1million. I see where we have 1,161 on the roll and 67 teachers excluding the new Principal and his supporting administrative staff. At the same time I see where we have 77 and two-third per cent of the primary school population, in private schools. It is [illegible] to wonder what percentage of the attendance are expatriates, as this seems to be growing concern.

It is very gratifying to learn that the ratio of the staff to the population compares favourably with other countries of the region. It is also gratifying to know that Cayerians are doing well in medicine and nursing etc. But, it is also distressing to hear that the department that collects garbage, which cannot stand much improvement. So much of the garbage is not collected on the day specified, a notice or a circular is posted or sent out to the people. If on a Wednesday you planned out your gardens and the garbage collectors do not come until next next Wednesday, you have to pick the garbage up yourself three and four times for accepting dogs and different things. It is a disgrace to see the area in which people live sometimes by the garbage not being picked up.

On National Council and Social Services, I have nothing to say on this other than good luck, and I hope for a good future.

On the modern schools of information --- Government and through private enterprise a good programme across the Island has got us on the way. This reminds me much of what took place when they wanted a hospital. But, looking back, they ran aside in Cayman Brac have been held up through lack of equipment machine, which is required for fill. In the manner in which Cayman Brac I should say, [illegible] gently completed. I say, and the high school extension finished. It is very disheartening to learn that the airport at Little Cayman was closed to the DC3 operation. I am aware that precautions must be taken, this has been closed from the 31st December, just because of inadequate fire-fighting equipment and hence I would say, is needs your entering. It seems like it took quite a long time to realize that these conditions existed in Little Cayman Brac. It took quite a while for people to realize the danger they were in, by flying the DC3 in Little Cayman. But I hope that this will soon be improved. Now, I see the information service seems to be in trouble to get printed matter done, or their printing done. The annual report for 1974, which I understand [illegible] have not yet been received here, but the report over here, the local printing, of the 1975 report which is in advanced stage of preparation. But 1974 report which is being printed overseas has not been received to you.

Speaking on the Finance/Development, we have had a loan of CI$3.8 million made to us from our local banks, to cover the new administrative block and the road programme. As is well said by you, Mr. President, that we the Cayman is made very richly well with the financial cost of the current times. I see on the development plan, a new director of planning was appointed, and two highly qualified United Nation advisers joined the Financial Secretary's team. I hope that they will also help us to take us through the trouble waters and be of more help with the loans here.

Dealing on Internal Affairs, Police and Civil Service. I notice where a decision had been made to retain an Inspector in the Cayman Brac Community. This being a good thing which will make the Cayman Islands suitable port and trade. But, as the decision to withdraw can be considered like five years, one already have an [illegible] decision.

MR. CLYDE H. MILLER (Cont'd): ...the Police Headquarters during the year of 1974 opened its new headquarters. With British technical assistance funds allowed the appointment for a training officer, a traffic officer, the recruitment into the police force. I would say that the standards has not been made lower, with all respects and all respect to the police force. It is also gratifying to know that the prison service is now separated from the police.

It is quite true that the Civil Service was an encouragement of work on the Cayman Islands Legislature. We have of an increase from 555 to 620 at the beginning of 1975. Some 64 officers are serving from the United Kingdom, including those on Technical Assistance, and 113 are from other parts of the Caribbean. And then a United Nation Adviser in Public Administration has been a great help.

We have had two visits of Her Majesty's Ships, we count of the U.S. counterpart and a French Patrol Vessel. We have a new Governor now, lots of changes during the year. We also had visits of ambassadors who served in Jamaica, with offices in Jamaica such as German, United States and visits from the Foreign and Commonwealth Assistant Under-Secretary of State. We also had a senior appointment which included Development Advisor; a Principal for the High School was appointed, a Civil Engineer for the Geographic Research and Control Unit, a Deputy Financial Secretary which happens to be one of our local boys. I am very proud to see him in the position, and I wish him every thing that is good. We had a National Personnel Advisor, a Director of Agriculture, a Director of Accounting and last but not least, the Honourable Attorney General, Mr. H.R. Paddington, Q.C. was awarded with a CMG by Her Majesty The Queen. My Director Dept Wishes were sent to him as he deserves being honoured. He has served us in a capacity, and I would say, very faithfully.

Dealing on the private sector. We have seen during the last year many of the most serious failures, and I am sure many will agree, some will agree that we've had some of the greatest successes. So far as the private sector is concerned its condition is one caused the Cayman Islands - let us hope that the failures will be overcome, by the financial laying to be something in the near future to see this. There will be no more commercials at this moment. Underwriting of a qualified work inspector which seems very hard to get, but would play a very important roll in banking in the Cayman Islands, seeing that bank place recently.

The opening of Supermarkets in the Island has improved. A lot of whole sale buying and retailing, but there can be no control of goods that the Customs has given a reference which is reflected on the customer until a stop is put to those goods that are waived by the Government. At least on invoice arrives here before the goods arrives, and these goods can be controlled by Government without erecting an office at any special notice to do that. These goods can be counted on the fingers of your hand, these want essential goods for every day life.

I also the while we have granted the rights between Miami and Grand Cayman on Schedule by another Airline here. It is quite an improvement in the air service, but in the off season when the each of the tourists is about over, I am wondering if two Airlines will find enough business to operate in these Islands. Let me not forget that it was known except Cuba, but no one knows the country.

Dealing on the port development. The Port Development will be involved, I see from your speech. The cost will be something in the region of something like CI$3.5 million. But at present we just don't know how much the Caribbean Development Bank will assist us. Let us hope that help will come from somewhere, anyhow, as this will be our largest Government projects in our history.

As a marine country, most of us sitting here have been to sea, served a number of years at sea, I did myself,

Mr. Wight (continued): The way of life in these countries is highly depending on sea life. It is high time for us to look in the right way of life by having a good shore built which will be capable of making ships of a large capacity, which will lower the cost of shipping here, and put cash back in pocket.

The Administration Building will be completed as we learn, by the end of July, which will house many of our Government departments which will cut the high cost of rent, which is now being paid.

I see where the Broadcasting Station is making good progress, and when completed will put Cayman on the map. The budget from the speech says that it will be $1,000 which will give listeners where these Corporations will be able to find, which will get to places where Cayman will be placed on the map by radio.

Heating on roads. Overnight rain and pavements has been reported. It is good to have roads, but with roads we'll have much more than we want. Roads are necessary, a very important thing, if not chosen when and it up to a standard where more speed is developed and will be developed, I am sorry to say that we'll have more deaths, but we hope for the better.

We learn that a water sewerage study began in October, 1974 and a report will be made on this in August of this year.

We learn that Phase 2 of the plan for the development of the Airport includes a new terminal building, let us all look forward to this. It seems as if sources of aid will know more of the problems with these priorities which we have in mind.

I speak again my Education and Public Health, in that we will see the completion of a new in-patients ward at the Cayman Hospital and Clinic in West Bay. One thing that bothers me, that Government now be greatly with the Jaycees which once they objected to receive anything given by Clubs. I am not in contention, Rotary Clubs have been making offers repeatedly, now I see they were turn down formerly, now they are being accepted by Government. As I have said, I am subject to correction.

It is very gratifying to see that Health Care Services are being carried out in the Schools, but I see where lots of school leavers that have a certificate that teachers or. This certificate will be given to leavers, and this certificate was given from the Welsh Joint Education Committee. It is this First examination, but I see where further educational courses will be introduced under the umbrella of a Community College on the Cayman Islands High School site in September of this year. I am only hoping that this leaving certificate in Welsh Examination will be equal to what the G.C.E. now, or how far can you get on that certificate? Can you enter a college or you're just left on the street with a piece of paper in your hand, and you have to go to some other school before you can enter a college. At present we had formerly I should say, we had a G.C.E. which was capable of getting you into any type of any position as many O'Levels. It was not necessary for an A'Level pass, but merely passing so many O'Levels you could enter anything. I am wondering and I am hoping that this will qualify and be equivalent to a G.C.E.

Nature Study. I hope we will get more knowledge on what to do and not to do, so that our future development can continue both into the developing field of providing - stopping of damaging or tell you you can go on and develop. Because I think that has played a vital role in the portrait of tourist here.

The draining of swamp land. I see where measures are being taken to purchase further 9 Pyrtle 8800. Mr. During the Finance meeting here, were asked to purchase two of these and we objected strongly to the purchase of two, and gave him great to purchase one. I don't know if this intends asking for the money to purchase this particular one now or this is the one that has been mentioned that we are permitting her to buy.

MR. CLAUDE G. BILL: (CONT'D). Again I have to deal a little on Agriculture. I see where we will receive additional funds for pesticides can be sold, and an experimental farm will be placed where the public can buy plants and also small farmers can go in and get a purchase. This is very good.

Mr. President, on your Throne Speech I noticed you touched on Tourism again, and I will have to speak a little again on Tourism. I see where a close watch will be kept on the matter of Tourist arrivals, and plans which will be placed during the Low Summer Season, or Inter-Season. It seems to be a failure to anyone who enters for tourists in this Island because, at present speaking with Hoteliers and those employed in Hotels they shake their heads and ask what the outlook, how it appears to you? The reply is very mixed, very sad.

I see where the Cayman Islands are now re-publishing a part of Legislary, and under the guidance of our Attorney-General I am sure as Chairman of that Committee it will make a lot of changes to the Laws of these Islands in many ways, and it would well bring a lot of revenue to the Island when handled in the right capacity, which I know he is capable of doing so.

One of the most important events of the year I understand from your speech, is the Draft Development Plan, which will be more available to members of this House and the Public sometime in April. And it will be then that any objections or any alterations or any comments can be made.

Again, I have to go at the Police. I say where the Police will be improved by the construction of Stations placed in East End, North Side and Bodden Town. I say this. I cannot find not make a battle as it applies to a station, it does not make a Policeman. We will be spending over $150,000.00 on the operations in the year I see. I see where we will be giving them a recreation hall which I think is necessary, and I hope that the hall will not be abused and become a boisterous place where neighbours will have to complain. As in previous years music on the newly erected play on a public station, windy now. I see where in six months time it is hoped that technical Assistance from UK will receive an anti-crime squad. I have hear this squad will consist of men Imperial, but because of cousin it and so on some so and so but accepts their duties accordingly.

Speaking on the Golf Club. I was where an establishment - and Mitchell's Creek Garden will go ahead with the project, I wish that all luck. Anything pertaining to where tourism is encouraged all I have of great help for people I see this week in these islands. You said also that it could be new land marks in George Town harbour - looking at the horizon before the end of the year, but I am encouraged that you have given thought on the weather condition. And as we are now, the weather is fine, but we will soon be entering our hurricane season and I hope that there be no failures through a disaster which will change the outlook or opinions what is being promoted.

The increase of things in everyday life has risen high as a jet. The cost of it has gone up and with this all crisis things seem to be going up on an upward trend everyday. The report made by Hans Pilgrim Lakeroyd, I would say, was very good information although most of the people around the Islands have a great share to pay anything of lower prices, and the information given through her was very carefully carried out. We leave it duty to the Fiscal Committee, and they find means and ways of new revenue.

We look for Administration particularly in George Town - in small electoral districts to be assigned - jobs which good things could be done through such as cemeteries, public parks, upkeep of minor roads and footpaths, this could be done which is a good idea which is most needed. If people just took a little more civic pride in the upkeep of the district in which they live.

MR. CHARLES H. [illegible] (Kwajalein): Mr. President and Honourable Members, I have come to the end of my debate on the Throne Speech. I now my friend is very anxious to take the step, although he is reading. And, in so doing I wish for the Honourable Judge and the Members that God will guide us in this meeting and subsequent meetings.

Thank you Sir.

MR. JOHN D. [illegible]: Mr. President, are we going to take adjournment now or ------

MR. PRESIDENT: I am just prepared to adjourn on this stage for fifteen minutes.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members. I am not sure, but I don't think I will ask through before adjournment, so whenever you are ready for adjournment for lunch period you can go right ahead.

Mr. President and Honourable Members. I want to congratulate you on a forward looking comprehensive Throne Speech delivered a few days ago. In our debate today marking the Throne Speech, marking the third Session of this House during the current electoral period for four years. The journey Mr. President, as you well said is half run and I do believe that for all the years of hard work to, and finally reaching the age of fruition. Yes, there are those who have disagreements as we tried to take the credit, but I believe that in these past years of hard work/development began to pay off in services for the people of these Islands. I do wholeheartedly agree with you that before starting our future venture, you must like a prudent mariner endeavour to use a sextant or log, the nautical tables to make sure that we are on course, that we are in the right position because we cannot afford to be wrong many times.

Mr. President, reading from your Throne Speech - Transportation, Works and Public Transport. Although a number of capital and minor projects were completed in 1974, the major thrust in this portfolio was concentrated upon the [illegible] work, and the cost of [illegible] which, included to ensure the inauguration or consumption of [illegible] projects in 1975. The [illegible]/Status Point at the Ocean Islands hospital, now being temporarily used as an in-patient/ward, was completed to high standards. A clinic has also been completed in Majuro. Twelve new classrooms and a three Teachers block were added to the Ebeye Intermediate High School and additional classroom facilities were added to the Ebeye and Majuro Primary Schools. A new air-freight shed was established at the Majuro Airport, and the [illegible] were brought up to standard with radio and other essential equipment. The laboratory/equipment building for the Natural Resources Study was also completed in 1974.

It is indeed heartening to hear about the four-pronged investigation of the Natural Resources Study, Mr. President, going well, and I believe that we are on the right course. And I believe that the decision taken was a good decision, decision that will have credit for each member of this Territory.

I notice that the work of the Kwajalein Research and Control Unit continued, commendably without a complaint of / Kwajalein which shows a remarkable adaptability to whatever kind of investigation can be carried against it. Yes, Mr. President, there is one thing that we Micronesians have to say, and that is that the condition of these Islands today in relation to the content of Kwajalein, even at its worst, is still a better position than we ever dreamed would be possible in these Islands of ours. I think we must/Micronesians, we must also take off our hats to one of the most efficient departments in Government. I wish them wealth and good luck in 1975.

MR. JOHN D. DEFERRARI (CAYC): Mr. President, with the new head of Department of Agriculture, renovation of office buildings, a basic increase of staff, and at least the enthusiasm and interest of many Cayman farmers here, under the direction of the Member concerned, given the kiss of life that I spoke your words, to the very unfortunate events of our economy.

Mr. President, we go back to the Finance Committee last year. I believe that the Member responsible and the Director of that Department was badly ill and had felt that every Member in this Chamber must in a manner accurately believed that. Because as we see it, this is a very crucial field, this is where we feel needs to be employed, we need to train or persevering the things that are needed every week. And then we need to think in terms of providing more jobs in our various homes.

Madam, as we quite see, was given the emphasis by the inauguration of the Department of Tourism. I wholeheartedly support this importance as all other departments to think that they have being doing a tremendous job. And unlike the new Department I accept. That even though at the present time tourists have been down, has not only been here, this is one of the last places that it has been done. It has been down because wherever the American economy runs into a slump everything else falls into place. Yet, I feel and trust that with the advertising and good management, your work with God's help will continue for a long time and that they will enjoy this industry. But we must realise that this is a competitive field, "dynamic" and certainly every measure must be used to be able to get that tourist dollar providing more up to par, and to see that it goes something for the money.

The Cadastral Survey has made progress at the end of 1974. That I recall the Cadastral Survey has made good progress and at the end of 1973 a total of 1,200 parcels had been surveyed, covering a total of 15,000 acres. Cayman Brac, East and Central, had been completed and all of West Bay and Georgetown, South and Central.

The Land and Survey Department dealt during 1974 with 1,082 transfers of land at an estimated value of CI$4 million, and there were 305 charges valued at approximately CI$12 million. The Department has also prepared a list of maps and so forth, for the Registration of Land Caymen which are available to the public.

Mr. President, I want to stop here for just a little while, to think that so many times when Government embarks on a programme, to make and make things better for the people of these islands, there are so many people that are there to cry "no" and are known to belittle and are shown to "discredit." But the Cadastral Survey thus far in the Cayman Islands has been a most profitable thing. It has done a great job up until now, in trying to work out the mess that we have had in these islands with lands. Thank God up until now no land has been taken, we fought that very vigorously in our campaign that land would be taken because the Cadastral Survey was surveying the property.

It did Mr. President, that is our worry that we have found, now I am distressed at this, that in areas where people have owned three and four acres of land sometime they have worked away with forty and sixty acres. I am saying that the swamp lands of these Islands that belong to the people of the country should not be given away. I am saying that Government must take every precaution to protect and protect the rights of the people regardless of where it is. There seems to be a gold rush in relation to now - the swamp land is out, everybody is out for bids. You think that distressed, I have not, only that Member that has a genuine concern of this territory at heart. Sir, prominent is the fact that there are so many people that take such time and pains to discredit everything that has been done by the Government of the Cayman Islands, instead of trying to build it up. Looks like so many that are trying to tear it down. And as far as I am

MR. JOHN D. CREIGHTON (Cont'd): currently/this Government over those past years has been trying its endeavour to provide for these people more and better services for every citizen of this territory. I want to say Mr. President at I go on here, that I want to just sound one warning and that is, that if we are not careful to conserve this capital we might find ourselves we some of our other neighbours throughout the Caribbean, which all these kind of Keynesian basic economics, empty stores - the Treasury is at its lowest ebb, many people unemployed. I think it is high time that we began to think in terms of giving this Government credit for some of the things that we honestly tried to provide for the people of this territory.

Great strides have been made in Health, Education and Social Services, unfortunately there are some short sighted people in our territory who, if they are not able to get all that they think that they should get, are willing to scuttle the ship just because the fact that some can't get their way. But I trust that every effort will be made to make sure that the National Council of Social Services succeed. And I believe that therefore, thank God enough people in this country, realizing the number of problems we have heard numbers bound about in this Chamber these few days, and I think there are a number of people who have grave with God's help,

the National Council of Social Services have succeed, when we think of the broken homes and the children that need this care, and the aged that need that there should be help to relieve its sufferings. I make no mistake about it, so far as the country is concerned, I place my country above politics. The welfare of the citizens of these Islands as far as I am concerned is one of the most important things in my life as a legislator. In our Educational field as I have said, great strides have been made. For anybody to succeed we must work, we must co-operate, we must critically make sure that education and the health of this Nation do not suffer. As I have said, a tremendous amount of effort has been put out of this, a tremendous amount of work has been done and there are many fruits we are beginning to see in the field of health and education.

In addition to the buildings already mentioned in your speech, I am reading Mr. President; the Junior Secondary Modern School building has been completed, and a Teachers' Centre housed on the upper storey. This will provide much-needed refresher courses for teachers. A unit for the deaf has been established on the same site. The Tortola Infants High School has benefitted from the expansion of facilities and now houses 87 per cent of the secondary school population in Road Town, with a current roll of 1,161 and a staff of 77 teachers, excluding the new Principal and his supervisory administrative staff. Anyone visiting the School cannot fail to be impressed with its organization, the calmness of learning and the attentiveness of the pupils. This is also true of our primary system. Tribute must also be paid to the private schools which are catering for 37 and two-thirds per cent of the primary school population.

Mr. President, certainly there is one thing I would like to stop here for a moment and say, that when we think of our Educational system, when we think that at present there are in our High School something like 37 teachers, I believe that I want to say at this very time that this Government cannot waste any time in order, in the way of counting our young people, in the way of making incentives provided for them to be able to become teachers, that they will be able to fulfil the responsibilities that are called upon them that are needed in our country, to be able to see our educational programme go forward.

I think Mr. President, that we must stop to think that certainly we have had no choice, we have just stood with the fact that we must have education, we must educate our youth, we must make every opportunity available to them. On the other hand taken I think that when we think in terms of the expenditure, we must think

Mr. Mark H. Rosenbaum: [illegible] that no expense or no incentive is too great to be able to [illegible] if we can only [illegible] our people into the field - being interested in a field of teaching, nursing and a field of medicine. We are in at present, there are more incentives for an ordinary teacher than there is for a nurse. I believe that these are both important to this country, and I believe that we must look into this to make sure that every incentive is provided to interest our people to get into the fields of nursing and also that of teaching.

I look in our Hospital currently we have very capable and able doctors that have been providing a good service for this country. I believe Mr. Speaker, even though there is no doubt today -- there are so many people that are set out to discredit all that's been done, I believe that the Member from [illegible] a tremendous amount of credit for the hard work that has gone into these fields and the effort that has been made to be able to let this country, and I trust with [illegible] we shall be able to do just that.

You realized Mr. President, that there is a tremendous amount of politics being played in various sectors of these Islands. Various organized groups who are doing their endeavour to discredit and take away everything that would add to the good image of these Islands, I want to say very appropriately here as in any other time, my country is placed above politics in all instances.

I refer to our field of Agriculture, that a constant review, a constant evaluation of teachers is done in our Cayman High School. Not just evaluation on paper, but an evaluation in the true sense so that we will be able to know at all times that we are getting our money's worth out of our teachers, and every [illegible] is being pushed to have [illegible] be able to see that teacher the kind of instruction I believe that we are trying to provide for them. A lot of credit must go to the Principal and the people that are responsible for education [illegible], because I believe that every small effort is made so as to be able to develop and give our youth a good education.

I am glad Mr. President, that things are going as smoothly as they are at the Cayman High School. I am glad for the way it has been going on in our Primary Schools. In our Primary School at West Bay, one of the largest Primary Schools in the Cayman Islands, we've been getting tremendous results. The school is in good standing and so we can speak I believe for many primary schools throughout the Islands. The Private Schools have been providing a good service, they have certainly been playing a good part in providing for us the services that would not be available otherwise. They have bridged the gap where Government has been placed in a position where there is so much that needs to be done, and limited resources in which to do it. I think we should pay tribute to the private sector - the private schools in these Islands.

We find also the unit provided for the aged, Mr. President, years ago that was never thought of, years ago that opportunity would never be available to us. Years ago that facility was only available in these countries. But it goes on to show that the two that represent the people in these Islands, the two that work and in the workings of government are concerned to provide a service that will alleviate anything that would receive our citizens from being educated, and being able to come up and fulfil their rightful places in our society.

I can't and I won't condone the services that are being rendered in our primary schools. I agree with your predecessor Mr. [illegible], some years ago when he said that the term in reference to the other Islands as the "Sisters," should be discontinued. I believe that they are our sister Islands, there are [illegible] people, and certainly when we look back there are [illegible]. Certainly, we've been enjoying an economic boom these last years, but they have not been able to enjoy enough money like here in Grand Cayman. And, I am at least glad that there is an up trend in the economy in these Islands. And, I must say

MR. JOAQUIN P. RAMESSAR, JOINT: Sir, Sir, certainly their lives haven't been strained and placed under the pressures that the people in Grand Cayman have been placed under. And, not only do we think sometimes in terms of financial or money, that there are something that far outweighs that sort of wealth. I'm sure, and I am glad Sir, there is light at the end of the tunnel, and I trust in not the overcome future, but in a very early stage in this year we will be able to see a greater opening in the economy in those two Islands.

I feel Sir, Mr. President that if we were to think in terms like the Members down the other Islands, and that is, not in terms of saying, I'm West End or I'm West End who will be in East End or I'm West End who will be in West Side. But think even in terms of cooperation and working for the betterment of this country, working together to achieve all that we can possibly for achieving something that will make it easier for our people.

Certainly, there is, we can always perceive that politicians will play politics. It's only natural for that. But I believe the way I am which we play these politics in something that determines the future of any country. We must not overstress, I believe only on power, but with power comes responsibility. And I believe that our greatest responsibility here is to keep these Islands as peaceful and calm as they are today, and try in every way to iron up the scorpions in these Islands.

Mr. President, we do know we stand in our land today, certainly overcome many, inspite of all the obstacles, but feel humbly proud of the fact that the Governor taken pains and to stay within the Commonwealth. I believe has paid great tribute to the citizens of these Islands. I feel Mr. President, that as we were able to speak to the member from Commonwealth Office the other day, I feel that every opportunity must be explored to see that Her Majesty the Queen is invited to these Islands, because certainly the citizens of these Islands are so loyal and for ever loyal, no doubt there are other citizens in the whole entire Commonwealth. Certainly a visit of Her Majesty the Queen would in all instances add to the loyalty the people in these Islands feel towards Her Majesty and Her Government.

And I want to say, let us not let for talent for power temper our path and make us become suffers. That Mr. President is experience throughout the world. There are many people today as I have said before, that because of the talent for power there are many today that are unemployed. There are many today whose stomachs are not properly filled, but we be content only by self tranquility, harmony and love among the people of these Islands.

We have spoke often in this Chamber the preachers of democracy, and yet, what is democracy? Democracy doesn't mean that all of us will win, it means that when a decision is taken the majority will rein. Well, if we believe in democracy, if we practice democracy then by God's help live by democracy.

Legal and Judicial, I want to read from your excerpt of your speech. Ombudsman Law was enacted in 1974. The Department is still short of an Assistant Ombudsman and has been under considerable pressure. In Judicial Department, a new Chief of Courts was appointed and steps are being taken to bring the subordinate staffing up to full strength. The laws under which the Grand Court and Magistrates Court operate are being overhauled and modified. The first six of eleven Bills come before the Assembly at this Session, I do agree Sir, Mr. President, with the effort that is being made to bring our courts up to the standard that we can't they deserve. They were lagged down very much they have been subject to legislation that is old and clumsy, and all the legislation on the statute books is legislation that was made while we were dependency of Jamaica. And, I whole heartedly accommodate the fact that the effort is being made to bring our Judicial System up to par.

MR. MICHAEL D. JEFFERSON: (Continued) We are not only seeking that justice will be done, we are seeking that justice will also appear to be done. And we are looking that to take care that law and order continue to be a way of life for the people of these Islands, and that we can well rest assured that our system of justice is equal to that of anywhere, and in most cases, better by double. This also is measured out in many other countries.

Economic and Development: The Financial Secretary's Budget Address gave a full account of financial and economic progress and outlook for 1974 and 1975, and I shall not re-cover the same ground. I nevertheless mention the loan of approximately CI$3.2 million made available by a consortium of six local banks to cover the financing of the new Administration Building and the Roads programme. Despite heavy expenditure which the provisions of the 1974 and Supplementary Estimates will necessitate in the remainder of the year in which we do business in 1974, our country closed with a surplus, which speaks both for the standards of financial control and the fact that the Cayman Islands are doing well in the financial side of the current time.

Mr. President: We find us many times that grass is always greener on the other side of the fence, even though to our surprise many times it is not green. I feel that if we were to, no doubt be more friendly throughout our own Caribbean Islands we would no doubt be humbly proud of all that we've been able to achieve to so short a time.

The Administration Building, Mr. President, I believe will prove to be another great stride which this Government has made. The ability to be able to provide an Administrative Building that is comparable to, but to anything in the private sector, are to be able to place all Government Departments neatly in the building. I believe that it adds and it speaks for itself for the forward looking thought of the Cayman Islands. These things haven't been just haphazardly acquired. These things haven't just come because somebody hoped that they would come. These things are coming because of one thing, Mr. President. There are two things, one because we have had the blessings of the Almighty God and two, because of the stability of these Islands. And I am glad today to say, that we still can humbly boast of the stability of the Government of the Cayman Islands. And I trust that none of us will ever take away from this, what is always easy to take away, but let us add to the image of these Islands. Let us add towards the stability, the harmony and the peace that exists within our shores.

Certainly, in 1974 there was a great financial crisis. One of the financial institutions of our land went into voluntary liquidation. Mr. President in my estimation, this institution happened to be one that got into the Island when the Island was still hoping for progress, and we decided not only with some privileges that would never be able to get away with today. But, I must also say this, I believe that that financial institution got its biggest boost when another financial institution in this Island went into bankruptcy. I believe had the financial institutions of those Islands went on and built/but friends and strangers,maybe the story might have been different, but a man needs only when he's down. Certainly the hand that feeds him when he is in distress, is the one that sometimes he turns to when things are going good. And I say this that financial institution we maybe has contributed a ripple. We have suffered because of this. I trust that many communities will be exposed that will not die back any longer, but that will make sure that a bank inspector as you said in your Budget Speech of the nations that will be able to tell in those Islands - as they should, will soon be among the people that are hired to perform the tasks of this Government. We must make sure that this isn't happen again.

Mr. John D. Ferguson (cont'd). In dealing Mr. President, from the Legal and Judicial system, we find in the laws that we are dealing with and have dealt with, and will be dealing with in Cabinet committee of the whole House. I have singled out one, and that is the Imprisonment Law.

Mr. President, my point has been speaking and not only yesterday, but over these years we have been representations on this very part and parcel, 'The system of Imprisonment'. Yes, it hasn't been a pressing problem years ago, when there was probably one or maybe two or maybe not anybody at all at that present time overseas serving imprisonment. But today over we have the number of people that we do, dealing for marijuana and other crimes, certainly it is at that stage that we are forced to take a look at it. And we are forced to place on the priorities as which this Government will deal, and must deal.

The prison establishments are highly industrialized. With the new laws coming into effect, it means for a more efficient system, and certainly it means for a system that we will change, and that is that of sending the many of our prisoners overseas, placing them in environments that are far more horrible than we ever dream about.

In the past Mr. President, we have been visiting our prisoners. We have put out to facilities, we have not had the money to provide the facilities. We have had on our laws that any person going convicted for a period of over six months were sent to Jamaica. And Mr. President, I make no exportation here, I am grateful that Jamaica has provided us a service. Jamaica has come to our assistance not only on this occasion but other occasions. That I am saying that when we place some of your prisoners in one of those penitentiaries where he is supposed to sit nine or twelve/twelve, when he is exposed to things that he knows no doubt decent about. It doesn't help in anyway or in doesn't in anyway give thought to a man going able to be rehabilitated to come back in the society to take his rightful place.

And I am saying that Mr. President, in your Budget Speech in 1979 that this will be even different. We won't no doubt have built, but I trust we will be making preparation for the building of our prison in the very parts on these Islands where our own prisoners are provided with the facility in which it can run on a profitable business, where for example the only prisoners that will be sent overseas are those suffering no doubt, guilty of murder or rape, anything of those or charges along that we will be able to deal with our own prisoners, and that we will be able to run the prison service on a high plane. I am glad that provisions have already been made from 1979 in the estimates for prison services, and Government is negotiating these services in a process of this at present that we might be able to get on. But our prisoners will be used in these Islands where they will be penalized, they'll be made to serve in these Islands in which they lived. And that in so doing, we don't think in terms of putting them in prison to be able to re-enter into them from society, but will be able to rehabilitate them and bring them back, and that they will be able to pay their debts to the society, put back and contribute towards the society in which we lived.

I see in that Law, provisions are being made for people that will be placed in prison at week ends, there will be various schools and programs for rehabilitation people, and help them to come back and take their rightful places. I am glad we have, we are moving in that direction.

I will not pass lightly here, I will take myself again clear on this. I support Capital Punishment without any reservations. I believe not only in Capital but Corporal punishment. For, I believe that if most corporal punishment was used instead of more of this, we would see less crime with most of our youth, we likely be

MR. JOHN D. ARRYOSHI: (CONT'D): quoting Dory/Proulx. I remember when I was going to school on Fridays, Mr. President, that youngsters being chased in court with stealing oranges, various things of this nature was taken by the schools at the end of Friday, and a session was held and they were sentenced to whippings. And I believe that did more for those youngsters than putting them behind the bars for two or three weeks. And the fact that on our statute books there stands capital punishment, when we look back on the history of these lands and see how many people, how many cases of murder we have had that speaks for itself. Thus, I believe has been a deterrent, and I will always support, not only will I always maintain it on our statute books, I will make an effort to see that it stays on our books.

Mr. President, among the various appointments of personnel this morning, I see the Deputy Financial Secretary - I want to stop here for a little while and say, what a joy it is to us when we see our young people sent overseas to be trained, and come back still to fulfill their rightful positions in this territory. And I have always said Mr. President, that when Americans are given an opportunity, I am satisfied that they can do as well as any person anywhere, and certainly we look around and see those that have, and it again speaks for itself.

When we think of the financial operations, moving from a one man's organization to the present structure in which it is today, certainly we owe a great deal of tributes. And we acknowledge tremendous jobs heretofore done, but we are not in a one man's contingent today, we are faced with sophisticated problems, we have to be in a position always to know what we're going, what we are are doing, how our finances are going. I am indeed gratified that this department under us this man of our soil is making such progress.

Mr. President, many years ago when we saw the necessity of better communications between the people, the office of the Government Information Office was created, that would be able to give us more information and make more information available to the people. I think it has been a great job done.

Now, we have among the senior appointments the Deputy Asst. in the position of a Deputy - the department of Broadcasting. I have suggested for many years the need in this territory for a Broadcasting Station with control. I believe that we must be able to get the truth to the people, I believe we must make the people aware of what is being done in these Islands. I believe we must be ready to see that the true picture is given to the people, that the people have access to more information than they've had, that the Broadcasting station will eliminate some of the misunderstandings. And that the Communications Station will fight with truth, which is so vital for the survival of this territory. Mr. President and honorable members, if we do not use our energy and our efforts to be sure to make sure that our constituents are given the truth and informed, then my friends, if we fail to do this the days of our territory would be limited. And so far as I am concerned, this Broadcasting Station will give something vital to these people. This will make unnecessary needs of dying ways to know what is going on, that the truth won't be misled by a few people, but that the people will have access to all the truth.

I support the fact that every Civil Servant in this territory must be made aware of the type, every opportunity for further training that will help them to better a man in their Department, and be able to better serve the people of these Islands. I want to again say, that I trust that no effort will be spared in this respect, and that no finances will be held back. But that we'll continue to train our people to be able to fulfill a vital role in taking their rightful place in these Islands.

MR. JOHN J. DUPUCHAUD (INT/D): I owe [illegible] in your speech, because [illegible] Attorney-General, Second District Member in this Chamber. I wonder that has given tremendous amount of guidance to this territory, through the critical years of these Islands' history. I think that such an honour conferred upon him only adds prestige to these Islands. It helps us to realize that we have some of the best legal knowledge available to us in these Islands in which we live, and I feel honoured to have such a man in this Chamber.

I must come back for just a moment, briefly to say; with the great that the Agriculture [illegible] Department have gotten in the last year, that we should at last be off to a good start. And I trust that we will think more in terms of what we waste, and see that that is conserved and shared [illegible] can be brought to our tables. And then we also say, we will see signs that Farming in these Islands gets a greater boost or a boost that it has never gotten in the history of these Islands. Certainly the expertise is there, certainly the facilities as you rightly said, are happening otherwise than about such a manner. I hope and pray that this territory will be able to see in the new modernized farming and the cattle farming will see new strides made in the future in this territory.

I see a water and sewage study being made. Mr. Chairman, it might be [illegible] groups story and figure out that with good luck that nothing will happen. But certainly we have to make provisions, we have to think in terms of our development, that water and sewage are vital to our survival and good health. I trust that Government will see every officer and see that we get what we need, and that with good luck we will be provided with a service.

I know that [illegible], no doubt must [illegible] I believe, there will be a draft Development plan made sometime. It will be brought out to the people of these Islands, and we Members will be able to see the draft Development Plan completed, and not too late. The draft Development Plan no doubt, should have been [illegible] two years ago or more. But at last its coming, its needed. We need to know where we are going, we might not accept it as it is. But I trust that we will not be so personal that will [illegible] to get of the door before we have had a chance to even see what it is, and understand what it entails. I say they will be given a fair chance. I hope that Government will see every opportunity, every effort to see that the people are able to dialogue, able to [illegible] their objections, that the people are able to fully understand. Because this is what happens you know; a few people get some progressive views, and before the scheme has an opportunity to be properly tried, it is dumped. Take in this Development Plan maybe we find a solution. I am sure that we won't accept all that is there, but I am sure that if we assess and work [illegible] I believe we'll be able to come up with a plan that will be able to all good in the long run.

I see the special square section, because [illegible] been taken in relation to a special [illegible] agreed. I trust Mr. President, that there will not be a lot of duplication. I trust that a lot of the expertise that we now have will be utilized, I trust that the people that have been working in this will still get credit, but I trust that a concerted effort will be made to kill areas in the Govern [illegible].

When we look around about our youth. When we think in the terms of the fact that drugs have had an effect on our youth, I trust that we will not rest until we have explored every avenue, are plugged every hole that would help people to escape, and that we are working towards some information that will help the police to do a far better job. You know, no police force can succeed in any territory or any Island without a co-operation of the public.

MR. JOSEPH S. JESEPHSON: (CONT'D): A lot has been said about the police department, and Mr. President it is not pleasant to be criticizing because we have people in the police department. There are people in the police department that are quite capable, but when we are called at, and what we see is that in too many instances the image of the police department does not fully reflect the good image of the Cayman Islands. And I don't blame the recruit that no doubt is trying to do a fine job, I believe that there are too many people in high places that are not doing their job, that's what is wrong with the police department. I don't believe that every effort or every effort that could be made to cure drugs in the past. I don't believe every effort has been made. I think there are still a lot of things that we could do, there are still a lot of avenues as a Creator effort that could be used, they have done a good job in so short a time.

The C.I.D. section has proved itself quite a vital part of the Police Force, they are not stymied, but we are not satisfied. What we want to see Mr. President, is, we want to see the moral image restored greater in that department because respect isn't something that we can make people do, but we can conduct ourselves in such a way that people will respect us whether they like us or not.

Mr. President, as I have said earlier, all that we've enjoyed in these short years, all that we're enjoying today, all the projects on the Planning Board, all the various projects that will come about in the next few months, comes about because of the phrase: "The Blessing of the Almighty God, and a Stable Government". Let us as Legislators settle down fully representing our people and believe highly in the Cayman Islands.

Your predecessor called these Islands, "The Fortunate Islands", and I can't think of a better way or better words to describe them, fortunate in every sense. People that have had some of the greatest Christian heritage passed down to them in any territory known to mankind, we have a great deal of debt to our forefathers.

Now, proceeding the various boards, Mr. President. The various bodies, the Public Service Commission, the various other departments that deal with the Public, a tremendous job lies before us to do, we cannot fail to do that. Mr. President, we must make sure that there is no partiality administered, we must make sure that everybody gets a fair shake, we must make sure that my yard stick that is measured out on the public is a yard stick that is good, and that everybody gets the same treatment and consideration. We want to guarantee that partiality will never enter in a society that we are trying to build. We're trying to build a society of equality, we're trying to build a society where people have dignity - respect. And I am sure in anyway belittling any of these. I am only saying that there is a tremendous job to be done and I trust that each one of them will be structured no doubt, if necessary reorganized, and make sure that the job is done and done fairly and squarely without any fear or favour.

I have seen in the press yesterday Mr. President, "last night Lee Garbut got knocked for a six." The press in any developing country is of vital importance. The press in all fairness must be fair, and I am not saying what members said and they didn't say, but I am saying sometimes it's far better to look at the constructive side than the destructive side. And I am saying, that I have members here in this House sometimes attacking the press, I try not to do that. But I notice that Members that attack the press seems to get better coverage than those that sit by and don't say anything. I guess it maybe done to show that only the fabric that they got strength. We must be fair Mr. President, that's what I am saying. And that the press owes this territory a lot, and the press can make a tremendous contribution, and they have done a lot in this territory. And I am saying lets make sure that's how fair and secure, and that's how always supported in the best interest of the territory.

MR. JOHN R. JEFFERSON (COAI'D): Mr. President, I am sure during this short stay in these Islands that you and your members of Executive Council have put a lot of work. Your predecessors have set up the machinery of Government- collective responsibilities still very much be us. There are still misunderstandings as you rightly said, Executive Council and Exco just like you and I. We are subject to make mistakes. But I feel today that our present Executive Council have been doing a tremendous job. I believe no doubt a drag under back like every Members do, no doubt been doing, and point our Government that we don't get complacent and take everything for granted. But I think also, Exco once a time - I remember when I was first hired by the manager that hired me at that time I think the largest Scott in the Island. So said, before you try to discuss one of your stuff, the word we use is, before you try to knock them down, put them on their shoulders and tell them something good they've done. I think this gives a drag any time members constantly only hear of mistakes they make, only get critics, comments about the things unknown say they didn't do, or unheard for something that they have nothing about. The only happy moments when sometimes we don't pay attention.

And I want to say here and now, Mr. President that every Member in this Chamber including yourself, you my prayer, that God will give each one of us divine guidance to fulfil the role that we are put upon to do, because in our own nations we find ourselves wanting. In this Chamber we are called upon to make great decisions, we are called upon to make decisions that affect every citizen of these Islands. But I believe that every decision that I've taken since I've been elected to this Chamber with the help of the Almighty God, whether it was right or wrong in the mind of somebody else, I can say this was taken overall in the interest of every citizen of these Islands. Because when I was elected I read at the pollution things now, that they had certificates in my, and two, that they were saying they know that it will come a time where they will not agree with me, but they believe that the decision that I make would be for their betterment in the overall. Mr. President, thank God until this day I haven't failed that trust, as far as I am concerned.

Mr. President, youth in these Islands deserve all we can place in their hands to lift them up. We change the present environment we must - and I say this, I've been saying in our years now, we've got to take youth off the streets and see that they are placed in schools. There is no higher priority or no greater challenged to Government, than to see that the youth of these Islands whose parents don't have the responsibility that we have that responsibility and place them where they can be properly educated. And they inturn as I have said in the past, will be able to take their rightful places in our society.

Now, when we think interms of the National Council of Social Services; when we go home at night, some eights ten thirty, eleven and twelve unfortunately we see some children have just stayed have been in bed from seven O'clock, they are left to roam the streets. But we fail to support an organization - a mission that can help to rid this wrong and place these children in a place where they can get the kind of care, the kind of environment, the kind of education, the kind of discipline that they need. They are innocent, they - have not responsibility, they don't know any better. But, if we don't murder that responsibility else will try to take, and in the end they'll paint their rangers in our faces and change the way of life, Mr. President, we cannot afford to let the National Council on Social Services fail!

MR. PRESIDENT: I think if the honourable member would agree to resume his speech after lunch, I would like to conveniently suspend the sitting now until two thirty this afternoon.

MR. JOHN R. JEFFERSON: I have no objections, Mr. President.

MR. PRESIDENT: I move that the sitting until two thirty.

HOUSE SUSPENDED AT 12.40 P.M.

HOUSE RESUMED AT 2.30 P.M.

MR. PRESIDENT: Proceedings are resumed.

MR. CECIL J. JEFFERSON: Mr. President and Honourable Members, I shall soon bring my contribution to this debate to an end. And no doubt a lot of people will a sigh of relief. But be that as it may, we each have a responsibility and naturally we each have a right. And I feel that as a free man in a free society, especially being an elected Member, that I have my work to do.

I want Mr. President, to pay my respects and tributes to the Civil Service. I got in your Throne Speech, the Civil Service has increased five folds, actually we have a number of people into that service today. I believe we have worked to try to upgrade the Civil Service we have tried in everyway to upgrade their positions, gave people salary to which they can live, and I believe inborn we have gotten a lot of loyalty and support from our Civil Services. We find today that loyalty in everything almost of the past, there is not the kind of loyalty exhibited today as people of the past did, but yet, thank God we still have some able dedicated and loyal Civil Servants.

I shall read from your speech, page fifteen at the bottom - nearly - and I take the observation personally and without in any way committing the Executive Council - I am led to speculate if time has not come to examine whether some form of local administration would now be appropriate, particularly for George Town, but also at their option for the other areas. Local administration this is never most effective when it is undertaken nationally and the involvement of a local community in its own parish or affairs can lead to desirable results. Small elected councils would be assigned the present poll tax or limited, other revenues now being collected in the area, and could have funds now spent centrally allocated to them for the supervision of services in their areas. Street lights, cemeteries, public parks, perhaps clinics, upkeep of minor roads and footpaths, garbage collection, awakening, licensing of dogs, cleanliness of public places, could be brought within the control of the local community and themselves. I am glad Mr. President, for having made that kind of indication. I believe that it is worth of examining, I believe its worth we going into it, to see the many angles, the pros and cons, I believe that it is worth our effort to do an examine in this relation.

Mr. President, I am looking forward to the building, and maybe there might be a better name, but I am looking forward for the Labour Exchange Board which would deal with the Protective Board to fill a vacuum that is now created in our Territory. I am not worried about the name, what I want is the end results. A place where the local people of these Islands go in and register their skills that when jobs there come into this territory and say, I need ten carpenters, five plumbers and three electricians and what have you, that we have got a Labour Exchange Board; the Labour Exchange Board will say, we have so and so and so and so, therefore having what they have cleared the Exchange Board, they know exactly that there is ready in the country available for persons that are spread. And there is one thing I've noticed because and I am going to plug it now, and that is the way that jobs are advertised in these Islands. Now, In all, too many instances, and I say this without fear of successful contradictions, In far too many instances there are jobs that are advertised, that have already been filled, and I think that every opportunity must be made to make sure that our people are given a fair chance. There are jobs advertised in such a way that they know that already can be qualified. I am aware not them to know that since its time to make sure that jobs are brought before us, and all we had this kind of exchange we would

MR. CARL D. PETERSON: (CONT'D). be able to run it that way. We will be able to know then when a position is special, what the qualification should be, and whether we have somebody to fill it. Because a lot of people that come into this territory, they are qualified after they get here.

The Immigration Department down separates from the Judicial. I have always advocated that. The Immigration Department, now what you like, has quite a tremendous amount of programs in their field. The Immigration Department now is something out some of the things that my fellow Members here from the smaller islands have spoken about. People working without work permits - Immigration has been doing a tremendous job.

The other night Mr. President, we had a public meeting in our district to inform our people - keep them informed. And, I spoke of an instance, just several months ago, here just when there was quite a dig on the economy, there were a number of people that were not working full time. They tried to do a little checking to find out how bad, we put up a notice to the immigration, and I was telling our people that they must realize that we have certain responsibilities and that they must be moving forward about things. After we had done a little investigation, we found there were a number of people, something about forty three, that were not fully full time employed. The immigration Department put a notice for people that weren't employed to come in and sign up. Now, I just want to clarify something I said here this morning. I keep - checking with the Immigration Department, and I think the last time I checked would have been a couple of days since we first broke. And the last time I checked it was something like - there was not one person left in the unemployment field that had come in and registered and I was part of alerting our people of the fact that when there are things that are not right. The only way to be able to correct that is, come forward and make your submissions.

Well, this morning in dealing with communications, dealing with the local and outreach workers took advantage of that opportunity and any chat I got up and said, that nobody had come in and that I had become other people had gone in. I said, that there was a period of three or four weeks that I hadn't really checked, but up until the time I've checked nobody had come in and registered. One of the points for making, our people must be able to come forward, they must be able to take advantage. There we go wrong if we going out and building up a case, if they are not going to back us up with those things. But I am saying that there are a number of people in this country that are trying their best to be able to spread rumors, not be able to supply information. And we have as Members a responsibility to get the facts to the people, to be able to keep our people proper y informed.

Now, for the remainder of I am speaking it unlikely - for the record. Yesterday we had a motion here, we ran into some confusion and we were trying to get something settled. I left this Chamber and went out of here to protect some of the Members of the Ministerial Association, to be able to obtain the names of some of the Ordinance books so we might be able to back it from my our motion.

And I am speaking responsibility as Members, as to my doing - whether in this Chamber here, that was inappropriate Perhaps or words to that effect had gone out. Mr. President, I am sure that I represent my district without any fear of successful contradiction. I feel I represent my district as good as any person in this Chamber. And I feel that this representation is all that I try to give, whether I misunderstood or not. I believe that anyone can say that I've tried in every respect to be fair. I think the record do bear why I might be misspoken of, is because, as far as I can possibly I can - that I have a greater responsibility to represent my people, that is more in here to try to play myself so big that nobody can give me any advice. I feel that it is even

MR. TOBY [illegible] (PANTH): When Members make such kind of impertinent statements in the Chamber, we try to be able to cast reflections on Members. The hon Member took advantage yesterday in this Chamber, so I stand here and speak on a certain thing because that's not a certain - the hon person was in the gallery. I disclose that Mr. President, we must be bigger than that. Certainly, we must be so politicised if we are representatives of our people, that we must be bigger than that. I believe in the democratic process, I believe in democracy, I believe that when the majority rules, unless it's sinful, then my obligation is to accept the majority rule. But that is why there are so many rumors, there are so many misunderstandings, because there was a motion in here yesterday dealing with certain books - genuine efforts were being made to try to oil the wheels of the nation. Genuine efforts being made to salvage the nation, and thank God we saved it, then we put politics above the nation.

I'm going to read briefly from your speech, page 16. It says "I am to thank all Members of the House, the Clerk and the Sergeant-at-Arms for their unfailing courtesy and assistance in helping me to adjust to my new duties. I also feel it is fitting to acknowledge the continued work by Members of the Executive Council in shaping and deciding matters for which they are individually and collectively responsible. People seem misunderstanding on their role, as the Member system is relatively new here, I can testify from previous experiences that the Council is working well as a Cabinet as the honorable is on the Parliament of the country.

Your Mr. President, have brought added dignity in this Chamber. You have brought an added attitude and courtesy in this Chamber, that makes Members feel completely relaxed. The dignity you have displayed every, not only the Members of this Assembly, but the Members of the Public is worth mentioning. I trust Mr. President, and I know it is contagious that this kind of attitude will continue to prevail until we remember and realise that, firstly we are here to do a job that is to represent our country. And, two to realise that the only way we can do a job is to work together in harmony and peace.

Your constitution I quote first again: Your constitution, Honorable Members, is in a unique and new era condition. I acknowledge the efficient work performed by the Civil Service in the past year, and the endeavours of the churches and many service organisations who are doing much for the community. Mr. President, I am glad that the church or the churches still play a vital role in our country. The scripture that terribly sounds my mind, is that 'Righteous exalteth, Nation, but sin is a reproach to any people', and I'll like to underline the word "any people". I am well aware as you are Mr. President, that the formula for success is no human God, but to work together for the betterment of this territory, and put everything aside that would tend to divide.

From your address, I pray that under divine guidance, Honorable Members will be imbued with the wisdom which has characterised their discussion of the country's affairs in the past, and that the Caymanian people, whom Her Majesty may number amongst her most loyal and [illegible] of our subjects, will continue to prosper as they so deserve to do.

I do think I would like to close my intervention with such nice words. Members as we look around and see the task that is still yet to be done, I cannot but remind myself of the poet which reads;

> Standing at the foot hoping [illegible] the sky,
> How can you get up there if you never try?
> Though you stumble down boys never be down cast,
> Try and try again boys you'll succeed at last.

I thank you very much.

Miss Annie T. BYCOCK: Mr. President and Members of this House, first Sir, I would like to say how much I do appreciate you being our President. You have brought dignity to this house, during to your present here Sir. We had sometimes in this Chamber very strong, harsh and cruel arguments, but so far think God, you are conducting the affairs of this Assembly in such an able manner that at least we have had good behaviour.

Now, Mr. President, most of these speakers started off with the first part of your address, I shall/with the very last paragraph. I pray that under Moving guidance, Honourable Members will be imbued with the wisdom which has characterized their directing of the country's affairs in the past, and that the Caymanian people, whom Her Majesty may number as amongst the most loyal and lovable of Her Subjects, will continue to prosper as they so deserve to do.

Then I shall turn to the fourth paragraph: Nevertheless before charting our future course, I shall, like some prudent mariner, endeavour to use the sextant, the log and the Nautical Tables. Well, I feel Sir, in this Chamber, the log, the sextant, the nautical tables which we should use to steer our course are the tools that our forefathers used, and that is a good Christian heritage.

Now, Mr. President, I do not like this term "playing politics," who in this Chamber is playing politics? I personally have been a politician from the time I was nineteen years old, otherwise I might be a grandmother at all, and not sitting here in this Chamber. But, I have never regretted the step that I have taken, and I am very proud of myself as a true woman, a woman who had nobody to boost me up save my good father, that I am able to take the stand that I take in this Country. I do not like this term "playing politics". One of my chief expressions is this, we do not play with God, and neither do or should we play politics.

Now, personally Mr. President, I have been in this Chamber, now this present one, but the old Town Hall there, for over a dozen years as an elected member to serve the constituency of George Town. Prior to that, I was thrice a nominated member for three years. And all during that time I can truthfully say, I've gained nothing being in the Assembly personally, except three low books which Mr. Cumber gave each member. But I have gained a lot inasmuch as I felt I have done my duty to my country and I would not give this up until I get so old I won't be able to come in here, provided the people of George Town want me. I love this, I'm not gain personal, but to satisfaction, to my soul that I am able to help God and try in my humble way to guide the affairs of this great continent - shall I call it, Grand Cayman - Cayman Islands.

Now, Mr. President, by being on this Board has never been questioned as far as my Lodge. The first time I went in as an Elected Member, I was making three on the list, very proud of being number three because as we also print each before election, and a hungry spirit before a fall. The next two ensuing elections, I came first and this last great election I had one hundred votes above and over my two colleagues, which I am very proud of. But pride is a disturbing element, and I feel for that we should be very much up here, we shouldn't try to exhaust our loyalty, because we are loyal, we are loyal. What we must do is to be humble and my own humility, let others follow me. I think if any body in this Chamber has the right to be proud, Miss Annie Huldah Bodden. Because being a home woman here, fighting election wise, that is no easy task. And I feel that I have done a fairly good job. My being in this House has never been questioned to my knowledge, I never had to fight to get here. I never spent a penny, I have done it by my persuasive ways to try to tell people that in the order for us to Elected we must have a good stable Government. I do not take the credit for what we have today or what we have accomplished in the last twelve years, this economy which we enjoyed today, all the great fortune which has come to us, we can say that the foundation was laid by good, heroic statesmen particularly.

The first time that I remember voting in election, which I was only sixteen years old or there about, I've been sat during from mill in their house, some of horses with a sad hurricane in

Miss Annie H. Bodden: (cont'd) ...around their necks, we are proud of the Union Jack once on and lets vote. But after the voting was over, I suppose they had their usual few drinks, but we from that time I can remember were loyal British subjects, and we are still today.

Now Mr. President, I would say that in this House of which we need, I would say "Jesus Saviour pilot me". Now as Annie Selah Bodden, everyone of us over life's experiences and we have gone a long way, we have fought rising waves, we have fought everything, and I would say truly that we have seen visualized. But its not what we have done in the last twelve years or thirteen years, it is what has been done over a period of I would say, over a hundred years. And I truly would pay tribute to our good Legislatures who have laid the foundation of what we have today. Now, I only wish and hope and pray that we had one of the status six Leaders, twelve or twenty-five might have been fifty in some instances. Six Leaders, they weren't any giants and they were just as big in character as they were in size. And I hope today that we shall do no worse than they have done. I hope that future generations will be able to say, that those twelve people who were in the Assembly did as well as their forefathers did of old.

Now, Mr. President, Communications, Works and Public Transport. I will humbly say as Mr. Jefferson the first Unofficial Member from West Bay said, I am humbly proud that I was one who was instrumental in getting the C.A.L. to fly between these Islands and Florida. We think that millionaires didn't know it as I did, they said, let us go back to the Tobacco days, that was good enough. I said, oh no, we are living in a modern age although I personally I am afraid of planes, I said let us have transportation, let us be on the lookout and we will not be in the background. And although I don't expect any dividend back from the C.A.L. moneys too many...that is all I expect, that is all I have ever expected. And I am very proud to see that we have an Airline, I remember that as one of the greatest works of communication that we have ever accomplished. The only thing is this, I do not like to fly. Last Saturday I went to the Airport, and seeing the dignified way in which the Southern Airline Company handle their business, I said you know what, if I ever make up my mind I fly I will fly on the Southern jet. Shortly after that one had left the Airport, I heard a noise the plane came back, what did they come back for? The door was not closed. Now, I mean, I am very sure our Caymanians would have done better than that.

Now, I have always advocated for education for our people. If before I was fifteen years old, I passed my three year public examinations examination, the highest I could go in that time. And that certificate I still have hanging in my office, and I am very proud of it because that is as far as I could go. My mother didn't have the money to send me to Jamaica or elsewhere, I was asked to go to Bluefields by become a teacher. Well, my attachment to my mother and sisters was such that I stayed right here and God had my work ordained for me, because I would never be happy as a teacher, but I wouldn't leave my job now to be the Queen of England. So I think God had a purpose for me.

Now, this Natural Resources and the Study, I can't say I agree with that. But, if it is felt and it's doing a good and we can afford it, let it continue. Only recent two weeks ago, I went out in a glass bottom boat and the beauties of the harbour of this George Town, they are something I would say part of this world. And we must do everything to preserve these natural beauties. I feel that it is something that we have that we should treasure. And I am only sure that we shall attempt to, but I don't believe that every time anyone tell a lie and such a thing we have to follow all they say, we must use our own head piece once in a while. But, I feel it would be a crime to destroy the natural beauty which we have in our salt water.

Miss Hart (Montmorency): Now, also related to the Mosquito Research and Control Unit. There is not a person in the Island or Grand Cayman who is anymore happy than I am, that we have got rid of mosquitoes up to a point. Those of you who have lived through September 1946, the year after Ivan our hurricane, could you have sat outside even in broad daylight without being bitten to pieces. Now, what a change has come, it has cost money but anything that is any good will cost. Now, you don't get anything that is any good for nothing, there is always a price to pay. That is a price we have to pay to control mosquitoes, might be many far in pounds shillings and pence or dollars and cents, but it is worth it. But, I do not feel that even although the mosquito control can while know a lot, we too know everything, and we should all more together in collaboration with him and whatever to try to keep this good effort going. But, we can spend so much money and no more, and we should not disprove other projects just to say we want to get rid of mosquitoes, they must have their share of the money but other projects need money too.

Now, Agriculture. Sunday afternoon I went to Kirk Side and bought some tomatoes, they were beautiful, and beautiful large tomatoes fifty cents a pound. And I feel that if they can grow them kind of tomatoes at North Side, they can be grown elsewhere. I see in the stores sometimes little tomatoes not bigger than your thumb; but these are large beautiful tomatoes and I think we should encourage industry of this nature. We who are old enough know that we lived by ground provisions as we called it in those early days, and they produced and my strong sturdiest men and women, now everything you eat must be frozen, frozen this frozen that frozen the other thing.

I heard a man said to Kirk Wilson not too long ago, my children are so lazy they will not even go outside to pick a breadfruit, what they want, I must give them money to go to work at the supermarket to buy canned breadfruit. Now, you see where we are heading. We need that grit old time way that we will push forward to get what we want, and we must work to get it.

Now, Tourism is a good thing, but I do not think we should sacrifice any of our principles for tourism. We have lived by a standard, a characteristic standard and I feel that when the tourists come to our Island, tourist must do what Caymanians do. When we go to their countries we have to abide by their laws, they do not make laws to suit us, we have to fall in with what they have. Now, I welcome the topless bathing beach, and even nighty great people do come, but on the other hand there are some they are not up to scratch.

When this session adjourned, I saw a man with a cutlass and a shirt, very filthy I must say; a hole exposed his hip back; his hair I don't think has been combed this year. Now, I feel that we should not encourage that type of person but, we should at least tell them like they did in Jamaica not permitting the ladies, you were fourteen shorts or Jamaica shorts. We should not allow him to parade our streets in this half naked condition. That brings me back to my obscene publication study. I feel that the nights they are on the seaport of George Town, I don't know about anywhere else, they are sufficient to attract their people. We don't want anymore boats to assist.

Now, we have had a lot of building improvements in the last years, Minister's Image I would say, is a great asset. I heard people say recently age, we don't want those kind of buildings, we'll rather have little cottages, I don't agree with that. I would like to see our Islands then looking somewhat like a small New York, but I wouldn't like to have to live in the midst of all this improvement. Well, I live in my little house in the bush. That's good enough for me. But, we need to build on our Islands, we don't want to wait fifty-up sixty years and then that the Islands have prosperous. We want prosperous now. And I must say, credit has we have gotten on these far. I have heard it said in this Chamber, we are overborrowing too much, I don't say that. The people who complain that way cannot not treat somehow the hardship that were encountered in the past years. They think everything was as it is now, they are

Hon. Speaker (Ag.): Sadly mistaken, but I feel we must go about this in a very cautious manner. The time that we have to import people to come and do jobs that Caymanians now do and won't, we are getting our economy at a low ebb. Now, Mr. President, there are some Caymanians who will be jealous of seeing other people come to take the jobs, but they themselves in this generation, they are not eager to work hard. I have seen some of them I have buildings in this Town, men hammering, sailing, twin or sweeping pushing a wheelbarrow helping to do their job. And I've seen Caymanians sitting in the shade, cooking their cigarettes, so if they lose out on getting a job its not anybody's fault but their own. But, I say when Caymanians are willing to work, to do the job, they should be given the preference if they can do the job.

Now, this Cadastral Survey. Mr. President, I am the only person in the Cayman Islands that Cadastral Survey cost a penny. It cost me money, but I still say I was right in a lot of points. I feel Mr. President, that the Cadastral Survey should have a team of three judges, because one human being can make mistakes. It is costing the litigant quite a ran of money, and I think that that could have been remedied. I am not condemning the Cadastral Survey, it hasn't taken the penny from me to have to go to court, in fact when I go to court now for the Cadastral Survey costs, I say you mean pay my expenses, I would go to court for the time and not a penny, but I say you must pay me if you want me to go to court. Right your name, you must have to pay me, of course there are exceptions, sometime I go and never get a penny, but that's my business. But...one thing I must disagree with is Crosbie says that the Government owns the swamp lands. Mr. President, in the past private people have had a lot of swamp land, now I am not saying that there are not certain areas that the Government should claim and some should and do everything to claim, but if there has been land in the past it should be given to me...I should not be allowed to go and take what was originally the Government's.

Now, Mr. President, I gained a lot of enemies, because on the election I was very confident - the land belonged to the Crown. I had to fight it for three days, I lost the friendship of some of my, I suppose you would call them "friends acquaintances", but in that instance Government was right and is still right. And I feel this, that although perhaps I should not mention it, that that case should not be allowed to drop. One thing I must disagree with a former speaker is this, that the [illegible] principle in the Cadastral Survey which were applied in West Bay and George Town should sometimes called wide.

Now, finally, may first the Government is doing a great job. The Registrar of Lands and his team, they do a marvellous job, many, attempts and you haven't got it right for weeks to get your papers back. I feel it is a good step, it has cost money I dare say, but I repeat, anything that is anygood cost money.

Now, Health, Education and Social Services. Mr. President, I put health next to your very salvation. On one occasion I was sick for five years and death would have been a welcome guest, but thank God he raised me up, now I will say we must do everything to promote a good healthy Island. And the Hospital and the Doctors there, I dare say are doing a good job. Now, I am not very happy I must tell you the truth, Mr. President, that our old Hospital was destroyed so completely, I would have rather have a new Block built, that old one used because I am very sure that buildings in these days, their concepts is not to be compared with like the old Town Hall and Post Office and the old Hospital. All I can say Mr. President is this, that a house does not make a home, a building alone can make a hospital, but if we have the officers to conduct that Hospital, we shall we have strength to strength [illegible] and [illegible].

Mr. President, in the past sometimes there would be mechanical malaria, typhoid, tumour or all sorts of things, and thank God I can say today our health has improved in the Cayman Islands. I am speaking of Grand Cayman principally, for I am sure/Cayman because

MISS ANNIE H. BOOKER: (cont'd.) Well, I'll, we would have about it. Now, one thing that I must disagree with is regards to the schools, and that is, where are all the teachers? Caymanian teachers which we have spent tax payers money on to educate to be in our schools today. I am very sure it must be at least fourteen to twenty maybe two dozen who could fill these places at that Comprehensive School very ably. But, the lure of money, the low salaries once they can get to the outside, they forget their loyalty to this Government.

We have spent thousands of dollars on educating Caymanians and who should now be in that Comprehensive School, but where are they? scattered to the four winds. And I personally don't feel we should take any more tax payers money to waste that kind of way. They should have to sign a Bond that when they mature and are qualified to teach they should give some service to the Government. Not because they go to the High School and find the Principal does not measure up to their standards, they walk out, that is not good enough, we must remember that the world is not going to bow to us we must bow to the world. And there is such a thing as what the former Member said, "loyalty", well, I wondered that the loyalty that Caymanians who have been trained for the purpose of serving their country, the greatest disloyalty they can do is to come back home, get a job for a few weeks and then walk out because they can make ten dollars a month more. I disagree with such a thing, and I personally would think very carefully before I vote one penny to educate a person unless he is prepared to come back home to work.

Talking about going to the Private Sector, the Private Sector hasn't educated him, our tax payers money has done the job, and their first loyalty is to our Government. I suppose I shall be criticized for saying this, but it doesn't bother. But, on the other hand Government must make their salaries commensurate enough to them on an equal scale with what they could have in import people too, now that I believe must be partly the problem. Our people who are trained what they could be at home, you know human nature all agencies want of us have a jealous streak, and as they see their counterpart who's not a Caymanian getting much higher facilities than they do, naturally they are dissatisfied. Now, I am not saying they should have housing allowances, what I am saying is this, their salaries should be equal if they are doing the same job as that of a foreigner I would not mind it.

Now, this Comprehensive School, I must say I am very proud of the building. But, the seventy-seven teachers they might be learning everything. Well, I went to school in that little old wooden house there, most of the time I was taught under the grape trees with one teacher and two or three assistants. We had to drill in the hard road, but we took good use and learn, and were of the most able men in the Island today. Was education from that same little school. We had it hard, we had to sweep the school house on Fifteenth (inaudible) days, we didn't even had a broom also we had some a palm brush and we had to sweep. Nowadays every thing they want have, ropes, this and that and the other, they have life too easy. They should educate and know that things must be gotten not always the easy way.

Now, I threaten on the Public Health Service, in regards to the hygiene. I think we have a fairly good Public Health Service. What I am not too happy about is the way that our George Town is not kept cleaner; and you don't trouble diseases' I have seen dead dogs, dead cats, dead cats or bits of beings lying on the streets. And I feel that the Health Services, the Sanitary Inspection I suppose would be more responsible, they should see that our streets are kept cleaner. And there is a fact that we as citizens too, we should try our best to keep our own premises in good order, but a lot of us all you can hear what the Government has not done, they stop to criticize what Government has not done. But why do they take it to account what Government has done for us. Because we have come a long way. I think we should be proud. Suppose we Caymanian taxpayed persons that we can have a budget fourteen million

MISS ANNIE E. BODDEN (CAYCI): Welcome. I don't know where the money will come from, but let my Caymans prayer everyday that God will open up ways whereby we shall not have to sink in the slums of retrogression. I want to go forward and its only one way that we can go forward, and that is to unite together, everybody working together for one common cause.

All because I am the weak woman in this assembly, I must not here and don't do my part, each one has to do their part with you Sir as our leader, and me, I would put myself in the last line behind. But, I must do my job, and I expect these members here not to be vexed and, not to say, "well I am in the Executive Council, I am a communications man", no this or that, I don't got to mix with Annie Bodden. No, we must all work together in harmony. We have a good administration, I am not too happy Sir about the no confidence vote, but I feel that if we can move about cautiously a little, then everything will work smooth. And I must say Mr. President, that for the last two years we have made great strides, there's no contradicting the facts, they are dragging behind in something, but the world was not made in one day, it took six days to complete the job, and that was by God Himself, remember us.

Now, Mr. President, this Cayman Islands National Social Services. I am a truthful woman, I am not too knowledgeable on that, I want to see them accomplish something. I don't want to see them on one hand raising high to what we are going to do, the next hour pushing them down. I want to see a marked effort to go the right thing to stop some of this ill-behaviour among the youth. I want to see them take him aboard that if they see a fifteen year old boy with a bottle of beer in his hand, going too younger an woman enough to say that is wrong, not because he is Annie Bodden's son or Annie Parker's woman, but we must correct him at all angles, and that's what I feel we are not doing. I feel Sir, that if it is taken about and gone about in the right way it might work, I am not too sure but I hope and pray so.

And the Lesser Islands. I am so proud to see and hear that the Lesser Islands are forging ahead. They are getting in the road. I always have said in the past that the Lesser Island people were the millionaires of the Cayman Islands. I never heard of any Caymanians dying in this day and leaving any vast amount of money, but Cayman Brackes have. They are a very industrious people, hard workers, and I feel that they deserve to have some of the good which we enjoy. You know when they were trying to get a light and the Government had to loan I think it was ten thousand dollars many years ago, there were some people who opposed, I said what all there are our Lesser Brothers and Sisters, our Cousins. We must help them, and finally they got it, and I feel that the same spirit should extend, we should not west everything on Grand Cayman, we should help the Lesser Islands or the Cayman Brackes I would say. Look to get something for themselves as well. If we in this Chamber are to work for a better Cayman Islands, Grand Cayman must have a share, Cayman Brac must have a share, Little Cayman must have a share, other wise we shall always have dissension and falling.

Now, I am glad to know that the Churches and all these various clubs are interested in trying to bring this National Council Service up to date, I feel that's what we want to get anything united effected. We the Church sometimes are very disappointed because we feel that the things that pertain to the higher life, they are neglected. But, it seems to me that if you are in a service club or a club, you can get things done much easier, so I hope that with all these people attached that the National Council Service will not only be a credit to the Cayman Islands.

Now, your Throne Speech Mr. President, tells me that there were twenty six laws enacted in 1979. I mean Sir that we need laws, but we need people to carry out these laws. I feel Sir that our Clerk of Courts office should be better staffed. I feel it should

Miss Julie M. Scott-Bodden: I have a proper filing cabinet, and I feel that certain work should be allocated to people in a particular job, not are a filing thing. We have on the Clerk of Courts, he might be a bit slow but he is a very intelligent, well informed, very courteous gentleman and he is doing a good job. But as I have said, he needs some help, he might be doing the most important job, he will come to learn off to sign some of these information was. We should have in that Court room a deputy who can take some of the work from off his shoulders, and I am very sure things would run much smoother. He is doing a good job, he took a little while to current up but no-one to out himself explained, he had to sign time, he had to do a lot of things that the outside public would not know about. And I feel Sir, that he is a good Clerk of Courts. Now, I am not saying that for any one to grandi. I am not trying to get any concessions from him which he would not extend to other people, I am only speaking my conscience.

Now, we included in these laws - we have had some far reaching ones. We do now have some for removing laws before us at this present Assembly, however and I will not agree that any judge of our Grand Court should remain as Judge as such for a period of my longer than three years. And I will never agree for a Caymanian regardless of who he is, to be the Judge of the Grand Court of the Cayman Islands, Because Lawyer knows before what it is, if I had a son there who was Judge I would expect he would give me five lashes if I was not a law abiding citizen, and these are other people/the same way. We must have an impartial Judge. Now, I have of our Caymanians who I have always said, would make an able Judge, but on the other hand I still do not want any Caymanians to be Judge. Because, I may we are too intermingled as family. Let us get a Foreign Judge - a British Judge, not even a West Indian, one from the South Pacific country, as Chief Justice Sam. We have had some wonderful West Indian Judges, but I feel that they with their knowledge of law have done a good job. But, let us it and when we have to get a Judge, but we get one of very high caliber, I surely mean we don't want to have about people who get girl friends and when they go to court they can get a divorce if they want one. We want to have our Courts run every thing above reproach.

Now, we have Chief Judge, we have had that, we still have them and I hope that we still continue to have no worse Judges than we have had in the past and the present one who now occupies the highest seat of a Judge. The Stipendiary Magistrate is also an important job, and I feel that we have got good people on the job thus far, but I still wouldn't want them to be here a life time. Let the changes come.

Now, with regards to these banks, that is a very serious thing. I feel Sir, Mr. President, that our Government failed up to a point in not having a bank inspector, but as you said one was not so easily procured. Nevertheless, we must make every effort possible to get a proper bank inspector.

Now, Mr. President this morning that this bank along the way as I seen it, has caused lot or hardship. I heard only this week of a poor lady who has invested her all in this bank, and now she hasn't got a penny in her name. I will agree that it was right to get more money that make a lot of people go busty, I will agree on that. But nevertheless the human nature to get all they can the wrong way they can get it, and putting money in this bank during the time that was an easy way to get twelve or thirteen percent on their investments and I am very sorry that they have lost. I have in my office dozens of letters from people countries of all over the world, Switzerland, France, Jamaica, Grenada, United States, Canada who have lost their all. I have to point to say unfortunately I can offer you no hope, I don't see how you're going to get any money.

Now, Mr. President in this Chamber it has been said time and time again, about our Attorneys at Law, I don't put myself in this category with making all that pile of money, I don't want

MISS JANET E. BODDEN:(CONT'D) it, I don't want it, I can't sacrifice my conscience to make a heap of money at somebody's else expense. But, I feel Sir that in this case here we have got some people who are getting too much money, not like a greedy pig. I don't know who is responsible, I am not casting any aspersions but it is a great pity that we could not have some kind of control over the fees that they are receiving.

Now with regards to the Police Force. The Police are not very fond of me I might as well tell you Mr. President, and I may get in trouble for what I'm going to say. But, I feel Sir, I am so saying disgrace to Caymanians if they were doing the job, so it is far from me to say that, but I say disgrace with anybody in the Police Force who is not doing the right job, anybody it doesn't matter where they come from. And one thing Sir is that I cannot agree that we should not see more of the Banks or the Police Department patrolling the streets of George Town or in Court and such like places. I feel Mr. President, that with a hundred and fourteen and or eight be more, I see some women in the courts that we should see more people on the street in the form of Policemen. Now I am not saying what they're doing or what they're not doing, I do not know, but I know there should be more available to the public when you call them.

The other day a man was peering my yard, tomorrow will be ten o'clock, man he said, "look here Inniss soldier, you see this knife, I will kill three thousand like you". He said, "You better not mess with me", I didn't speak, I boldly called the Police and me no how the Policemen not arrived. I would not like Mr. President to see those hardcore criminals walking our streets of George Town. Afterall sin is sin, and we have to pay the price of sin, and if a person commits crime all of us can fall into temptation and be imprisoned. And why to live a honest life well and good. But, if I am a criminal I will today, I go to jail, I come back I kill tomorrow, that kind of a person is unfit to mingle in the society of the Cayman Islands.

Now, Mr. President, the Government as you rightly said has changed. We had Administrations and the Government in the past who did their best. I am not going to tell your Sir that you are perfection, you are like a human being, you have your weaks and you have your good points. But, I will say this Sir, that you keep this basically in your behaviour and that is much to your credit. I feel Sir that under your able leadership, if we do not get our puffed up with pride and believe that we cannot be duplicated, well we might get into trouble. But, if we loyally follow your guidance I feel Sir that you will marry on the good works which have been done in the past.

Now, this Private Sector I think I've mentioned it that already. We should be thankful that we have banks in our Territory. I remember in olden days - because Mr. President I am an old woman, that if a person went to build a house they had to buy their little bit of land for sixty or seventy pounds go with National Bank services, come back in two years, buy a few blocks, then they go again, come back and build a bedroom and such like. They had to build those houses piecemeal, and they couldn't get all their materials they have in them now but, but they did it in a piece-meal manner and we should be very thankful that we have had such a good strong stable Government that the banking world has stood us out and made and maintained us.

Now, I am very sure Sir, these companies survey, they have to pay their licences but nevertheless it's a facility the Government could never get out to lend everything that wants us banks today now, it would break. But Sir, I am sure, we have banks have done a good job and I would say that we should do everything to keep them going, so keep our tax haven clean and do everything we can so that nothing will befall us in the way of that.

Now, we have had two large supermarkets, which I would say have opened up the area where I lived, because I see more people up and down now than ever before. And I think that we should give credit to such local people who have that spirit to invest to try and build up the Cayman Islands. All we can hope we don't want foreigners here, but when Caymanians do the job I feel that they have confidence in themselves,

MISS ANNIE H. HOWARD (cont'd): confidence in our Police and confidence in the Government. Now, there is one thing that this supermarket which I heard a complaint of, and that is that the Planning Board will not allow the one down the road even to put up signs. Now, I think Mr. President that should be looked into, because when you go there you have to know exactly where to turn to find what you are looking for. I think then the Planning Board has overstepped its bounds when they say, you can't put up signs on the supermarkets to designate what is what and where is where, and I would leave that thought that some steps be taken to correct this.

Now, Agriculture is flourishing. I recall when Miss Lee was passed, we called in the Trust's land. My colleague from George Town was sitting next to me and I laughed. I said, what would your father Captain Charles Bush from South Sound, Uncle Joe who was a Seaplane Key pilot, what/how think of us running a line to keep cattle in the Cayman Islands, they would laugh at us. I never thought it would materialise, but thank God it has, and it's a great boon to us. And I am very pleased that the area has been cleared and that there is a good strong sound Industry going.

Now, these port facilities. I am happy to know that we have some [illegible] enough to establish that in the Capital City of George Town, all you can hear now, Hurricanes will blow it away, South Wester will do this and the other thing. Mr. President, I am very sure from the time that this Island was settled that little cove out there was used, and I am very sure that is the right place for it under the circumstances. We do not have seventy-seven million dollars to put in the North Sound and on the South Sound area in Bodden. Those who are old enough to know the 1932 hurricane, the whole Southern coast was swept. If you put a dock there, well four million that are would go down the drain; Georgetown is the place for it, and what would George Town be without a harbour with ships in it and dock facilities, what would George Town be like? So now it is the Capital City of the Cayman Islands to have those port facilities there, and I hope and pray that my colleague from George Town who is so very interested and who we do even criticise will not get cold feet and wheel down. Now I will back him up in this, he need not worry about support from Uncle Sulie Bodden, and every good minded sensible Caymanian will do the same. Where the money is coming from, I'm sure God will provide it. You know I believe that if we put the first one I got through Primary school first, and I feel that God knows we are trying and if we humbly follow Him, pray very earnestly about things, if it is for our good I am sure He will give it to us. And, I am praying, and my daily prayer that God will keep us on the right course and keep us so that we will hear and accept His voice will bring what we have to pass. I am not saying we're going to get all we want, but we'll get what we need. And I feel that the Harbour facilities is a need and one which we cannot do without, and I would ask the good people in this Assembly and over all to give this project the support which it warrants.

Now, this new Broadcasting Station. I won't tell you I'm so much in love with this, I would rather have seen television and Broadcasting. Now, I do a long wrong. I stay alone, I do not go to the theatres etc. I have no form of entertainment except reading and studying my business, and I personally would like to have a television. But, on reflection it might do harm in the schools, so I am sort of half way in between. But, nevertheless I feel that eventually we have got television, and I hope and pray and trust that this Broadcasting station will be good for the good of one and all. Now as I have heard it said in this Chamber, the next coming election will not be a race election. I don't want that to happened. I want a free election. I want Uncle Sulie Bodden to oppose this same seat, and I might not have the energy to fight it; it's something that must too much strain, but I feel certain that I am worthy to come back

VICE SPEAKER K. BOGGS:(CONT'D): Sure, and I hope you gave sent down, those of you who are good will get back in ....

Now, the Education System. I am not for sure the G.C.E. or what ever the name of it is, should be abolished. I believe in this day and generation when you have to have three G'levels and A'levels and what ever they might be to get you into a college, that we should continue that system. I am not in educational professor, but I have some common sense. And I feel that we keep it not change our ideas too often. If the G.C.E. or what ever the name of it is is good enough to put you from that school into a college, let us keep it up, don't be persuaded by everything and anything that everybody tells you, now one own head pieces.

Now, these Standing Orders. I agree that the present one needs some new changes, but I hope they will not be anything so drastic that will defeat our purpose of coming to this House. You know sfgerenji I am a person who do not believe in too much changes, I believe in change for something when it's for the better, but not to change it and still be in the same position. And these Standing Orders I hope that they will eliminate any doubts that might exist in our minds when dealing with this present race, and that they will be up to date and many of us no wiser than the old ones did.

Now, regarding this Court of Inquiry, I am not going to comment on that. I have heard it discussed in the Lay society time and time again, and it doesn't seem that they have gotten very far with this idea. I believe that the good Attorney-General and him board to work it out, but I hope that **Mabha** sir, I am made winnaby as can get some more available when. Now this Court disturbs me in that, an air gert-wear he is now the adventures of ships, I do not have any fancy explanation coming up to take his place, he is almost ninety years or age, but he is still doing the job. But, I have never heard of one organization who is trying to qualify in that field, something like that should be thought about if we are considering having a point of entry, and these ships will have to be measured.

Now, this Development Plan. Many years ago - I have a copy in my office compiled by the late Honourable Bertie Samuel during his regime and there was a road splitting this whole Georgetown in half, now recently I have seen some other plans. I feel that we should get together as opposite people not because the good will be dressed up to suit Audia soldier or suit this one or the other one, we must make a plan that will be the best for all and sundry, and if and when this plan comes to our Township, let us try as be sensible, don't try to spear side and say we're no better than the others, let us all take part in it and try to make a plan that will be for the good of all and sundry.

Now, Mr. President , am glad to hear and see that these Societies have their little sub-stations. I went to North Side about a week ago, and I make tell you Mr. President, I had to laugh when I saw the big rocks and what Mr. Craddock called - dressed Mr. Craddock so much trouble. Well, you see not the nec things we can make good things if we try. If they had destroyed it that would have been gone, but now they have made a good facility out of what Mr. Craddock called a "Diagram".

Now, Mr. President, this Mitchell Creek. I am somewhat cautious of course I can be wrong Sir that the Liquidators should have the opportunity to join in this venture, I don't think that is quite right. I could be wrong but I mean it gives no impression which is not too good in the mouths of the public. And I don't know if anything can be done about it, I don't know where it going to end, but I am going to tell you Mr. President the public generally are not very happy about that.

Miss Arthur [illegible]: We are speaking of inflation. Mr. President, what we have to do is to thank God that the means and ways have been opened up whereby we can get some money to buy the necessity of life. Before things might have been available but there was no money, and I have always looked on those Icelanders, businessmen as being a God send to our Islands. And I mean they have to live. We must not be too harsh on them and expect they will open their stores for a few people coming, they have to make a living. And I personally have to say a lot for what I buy, but I feel that they in turn what they need they have to pay for it too, and I could never agree for any board to be set up to control their prices. However, if we control the prices in the stores we certainly would have to control labour, and I am very sure that the common working ordinary class as well as a high-falutin world not want that. So, I would say that we should leave well alone and competition will take care of the situation, I feel sure.

Now, I happen to be a member of the Fiscal Committee, and I try my best to outline and make suggestions that are workable, and I feel that the day is fast approaching when we shall have to raise more money. We cannot expect to get free services in everything, free schools, free hospital facilities on both coasts, cemeteries cleaned up, roads clean, everything, and not pay direct taxation. And I feel, I don't know what we're going to pay. But I feel when the time arrives and we do have to pay we shall have to tax things, but essentially not food stuff and the essentials of living.

I've heard the honourable Member from Lagman here say, that motor cars - the taxation on motor cars is very limited to what it is in other countries. A motor car as a luxury in some instances and other instances it's a necessity, maybe we'll have to use the cars which are luxury cars. I am not saying what we have to do, but I say it and when the time arrives that we are raising above through sales, our money or good intentions as who I have to surrender some form of getting extra money.

Now, Mr. President, I think you have a fairly good working civil service, of course there are only human and some of them are very quarrelsome. Sometime you go to offices and a person say, I am only getting five hundred dollars a month, what can I do with five hundred dollars? I said, lady you're lucky, you are I said. When I went to work and worked sometimes twelve hours a day I got ten shillings a week, I mean the base of what I could do, and you'll have to put your garage emptying by your clock. Five hundred dollars is not to be scoffed at, and if that's all our Government can afford to pay, you'll have to accept it or get another job. But, as I say to your country, don't only think of money think of the security that you're getting in return. You have free medical aid, free education, free as to teach and all these fringe benefits to be considered. Well, sometime I talk to them and they respond, other times they say you just right. Let the Government.

Now, Mr. President, I'll repeat. We must make divine guidance so what we're going to do, we cannot do anything in our own strength, we must pray about things, we must get God first and he will put us in the right place. I am trusting now for the second time the copy of the new Living Bible, and everyday I'm more convinced, if you follow God he will guide you, but if you disobey him there is a price to pay. And I want us both to work together in love, unity and good will among each other remembering every man as our brother. (I'll call myself a brother in this instance) to work together for the good of the people of the world, and may God bless us and give us the strength to carry on as we should.

Thank you Sir.

MR. JOYCE N. HARRIS: Mr. President, rather than go by default, I'll try to speak.

Mr. President and Honorable Members of the Assembly, I would like also to echo my praise towards the speech that you delivered to the House, and I would like to thank the people of my constituency Mabaigue Trade for making it possible for me to enjoy listening to the third Throne Speech since we've been elected. And, I hope that at least we will go on God's willing to enjoy one more.

It is a great privilege to be able to stand in a Parliament such as this and let's say, speak your conscience because there's so many people today in the world that are not able to do as we do. It is the greatest privilege I think that can be accorded to mankind, is to have a Free Parliament. And although we bicker across the floors and we take jabs at one another, I think that each and everyone in this House has been able to take it in the gesture in which it was given and be able to still go in the Committee Room and laugh and joke and smoke. So, Mr. President, I will try to get in to the meat of your Speech. It's quite lengthy. I think it did cover just about all of our problems except one, and I will leave that for the last.

My first comment will be towards the Tourism Development Study, as I have tried to take this in the order in which you gave your speech. I would have to echo my sentiments as I have done in the past in wondering how useful this will really be when the study is sold. I wonder whether at sometime in the future we could be advised of whether we know much more now about the Tourist than we did when this study was begun. And, I will speak about whether this study will be completed anyway in the foreseeable future or whether it will be as Churchill said in one of his speeches, like the endless Mississippi that just keeps rolling on.

For the past years we have experienced shortages in the essential commodities. I would also like to know whether at present in the near future we can or has Government in the past been able to build whether there's any hope for complete eradication of this pest, or whether again it is the problem that we will have to consider facing as we go and move into the future. I cannot help but wonder sometimes about this particular department, because it has done a great deal of good. Both years ago we were told that fogging and spraying were very beneficial and it was not the answer to our problems, but it seems to me that it has become the answer, because it is the most evident thing that is being done, is to see the fogging machines in the woods and to see the planes and helicopters spraying. I wonder again whether this spraying could not be detrimental to other insects, birds etc. because with this spraying there is a certain amount of oil being used, and oil has unavoidably to the best things are known to love with Zoologists throughout the world like bees waging a fight against this, and thank God there are not so many in evidence today, but I feel like at this time the Venomite Research Council should be able to know whether just about every mosquito breeding ground is in this Island. And I do not believe that the fogging and spraying are going to help us be the long term solution to this problem, I would like to think that it is. However, on many occasions as we look around the Island looks like a burning refinery or a hell's Island.

I must join with you Mr. President, in congratulating the Agricultural Department for the strides which they are apparently attempting to make this year. I am proud to see we have employed a director of this Department who seems to be well qualified, and who seems to be willing and trying, my wish with the community as a whole. I know that this is not the reason he was hired, but I hope that he succeed over the years with measures with the extent in which he is able to participate in the community. But, Mr. President I would very much like to see a larger experimental farm undertaken by this Department than the little garden plot that we have at Cedar Road, that is not large enough to have any impact to the community. I feel like it's incumbent on Government to set the pace at which Agriculture will either be a success or not a success

MR. JAMES N. ROGERS: (CONTD): In our country, because most people in the Island don't have the assurance to know how to deal with the problems that they will encounter in the Agricultural field.

We do legislature successfully in this Island pass a lot of money, and most of the people who would probably like to embark on it are not in a position to do so, because they do not have the resources, they do not have the experience and it is difficult for them to waste their few pennies that they may have saved on something else in a venture that could be unsuccessful. So, I feel like the Agricultural Department has the onus on them to put into play and a form that would be large enough and varied enough that they could conduct Agricultural Seminars through this particular place to enlighten the minds of the people who would like to embark more fully into the Agricultural field. I could not agree at this time that we should consider selling us a market, anyway there is not much use of us spending the money to build the market when we do not have the produce, and apparently for a long time yet, will not have the produce that can be sold in this particular place.

Mr. President, I am pleased to see that we have excellent facilities for our Police Force. The Police Force is one part of the Government Civil Service that should be impermanence at all times, and I am pleased to be able to say that we do have a nice building. And, apparently for once in our history we also have proper equipment for the police to operate with. But, Mr. President and Honourable Members, we do need just exactly as also need the expertise that will go along with the numbers, and unfortunately it seems to me that this expertise has been lacking. I would suggest to the Honourable Minister, that the Police should be made to be more evident in our community. So many times we go around town and we see the Policemen already waiting along the road or machines to by some of the banks, and it makes you wonder just what are we presenting to the people who come to our shores. They are not really conducting themselves with the dignity that should be attached to the police force.

A simple thing Mr. President, I would say, is the manner in which one flag is usually handled by the Police Department. It may seem as a very small matter, but I consider it to be a big matter, because our flag is symbolic of everything that we stand for, and that flag should be treated with the greatest of respect. But, instead of that Mr. President, I have seen on so many occasions where the flag has been taken down and dragged all over the road in front of the Post Office, it really hurts me to see that being done, and unfortunately I do not see anything such being done to rectify that condition.

Also Mr. President, you may consider this as a cynical move but I think that nothing could have a greater impact in our community, than is our local people as well as the foreign people who frequent our shores than to see every morning that the detachment of at least fifteen to twenty uniform being marched around town in full uniform. When we came to this Assembly on Tuesday Morning, the police detachment was right in front of me, and believe me I don't know how regular else felt about it, but it gave me a terrific feeling to see our police so smartly dressed, and being shown to be on the military person in the way that they were and how they were conducting themselves. And I feel like if we would consider this it would have a very broad impact on the entire community.

Now, Mr. President, many times in the past we have debated in these halls concerning ganj trade and concerning traffic. Unfortunately to be the two Departments that we speak on the most often in this House, I for one, I am not satisfied in regards to what is being done in combating the drug trade. I do not know what can be done to combat it more effectively, but I am sure that there is a way that it can be combated be where we do not hear as much music in connection with the drug traffic.

Mr. Jason H. Navarro (cont'd). As regards to the traffic patrols, I feel like that is an art of the police that could be strengthened. It plays a very important part in the makeup of our country and society in being able to drive on the roadways at least feeling that you are safe. In my opinion, the police have one of the hardest tasks that they've ever had. And that is the motor vehicle law which was passed in this House last year. And, I would like to remind us in this House and request that at sometime in the near future that a memo go out to the members of this Legislature advising us how many people have been arrested or how many people have been charged to date, in relation to drinking violations under that law. Before that law came into effect we were constantly hearing that they did not have the tools to do the job. I believe at this time they have the tools to do that job.

Tourism can continue to play a very important part in our economy. But, again I would remind Mr. Speaker, that steps should be taken to bring the more affluent people to our shores. I would like to give in support of the Lady Member from Ortona here in what she said a while ago, because it pains me to see that we admit to our shores people who I would not consider if I was Emperor of the United States, Sambo. I do not believe that those people should be allowed into our country, I think in many a ways it has a demoralizing effect on the community. I cannot submit to this House whether it would be better if we put a couple of shotgun shells at the Airport and a couple of Bofors whether that would be anyway of combating it. But, I think we should not continue to tolerate these people, and most of them it is not because of economic reasons, because most of them have money. It is just on my opinion that they are flaunting the traditions of society in the face of the whole country, and they think that it is a new way of life which should be adopted by everybody.

But, when we look at the strength and we see people who remember the pictures that we've seen of people back in the fourteenth and fifteenth century, and there we see the little back-packed. It reminds me of a story told to me years ago by a native teenager, and I wish I could be as dramatic as he was when he told it to me because it's always stuck in my mind as to what happened to that man who went into a little Scottish town, and he had cameras and cameras and had not even able to take any films. So, he had to leave the town broke and took his handkerchief, tied it on a stick put the stick across a shoulder, and in the handkerchief was a few images - belongings that were left to him. This is the indignity of what is happening because these people do have additional wants.

According to the figures that were presented to us, we have seen that last year we have had a very pleasant increase in tourists, but we have had a four percent decrease in bars. This is because, again I think that we are not catering to the right type of people, and we are catering to people who cannot actually pay for the type of vacation that is being offered in this island. I think again it is due time that we give consideration to the prices that are being charged, we must be very careful that we do not price ourselves completely out of this worde-wide market. Because many places in the world today are competing with us.

I am pleased Mr. Speaker, to hear of the progress that has been associated with the Cadastral Survey. Again, I would like to say that I would hope that somehow in the near future a statement can be given to the Members of the House showing the areas that have been completed and showing the parcels of land which Government has been able to claim, and on which their claim has been successful.

I am very pleased to see that the legal matter in regards to Antonia Bowen land and Cliff land has apparently been accepted by the courts. And that people who reside there in the past will apparently still own them. It remains to be seen what approach will be taken in regards to the major sugar area in the eastern districts of the island. But, whenever that outcome reaches I am hopeful that it will be one that will be just and will be fair, and it will be one that will take into consideration the things mentioned in the past and will take into consideration that the stability of this island is more to be considered

MR. JAMES M. BODDEN: (Cont'd): than just a few acres of ground. I would make a suggestion and hope that it could be adopted, that in the future when the Sub-Control Zone is meeting or the Sub-Control Board is meeting, that instead of everything having to come to George Town which can be very inconvenient to some people, that the court meet in the Town Halls in each district and try to settle the cases in that particular area. I think it would work much better, because you would have the witnesses readily available.

I am pleased again, to have heard so much good in the last few months about the school system. Apparently a much better job is being done this year than was so last year, but I cannot heap too much praise on that system because we have built fine buildings. We are spending a lot of money, we have a lot of qualified teachers but the results have not been good. It is difficult to imagine that out of the number of kids that took the exam that which I think was about a hundred. That we were only able to have one that could actually have qualified to go into an English university. I cannot reconcile myself with beliefs that the Cayman'ian brain has deteriorated in the past few years to that great extent.

A few years ago when the C.C.E. exam was brought in, most of the kids were caught in the little six-shack which was built here twenty years ago by the U.S. Navy. The staff were not really well trained, but every connection that was desirable I would say existed at that time. Yet, in many years we had as many as six to ten students that would pass four three to six subjects. I wonder Mr. President, about this C.C.E. exam. I have to admit on this floor as I admitted to the introduction of the eleven-year plan which have come before this House, that I really did not understand the wisdom of this particular part or Education. We were told that when the C.C.E. exam and the Comprehensive system came in, that it was the panacea that would take care of everything, all of our ills would've ceased. But, I am wondering whether at this time we're being carefully told that the C.C.E. and the Comprehensive system is not working, and that a new must be put in. I would like to have further clarification from the Member associated with this department in explaining to the House as soon as possible the reason for this other type of Education. Again, I reiterate I am not wise enough or educated enough to know what the system means. I'm only going by what has been said to me.

Mr. President, the education system of this Island is one of the most important things that we will deal with, because it will be dealing with the future of our country. And I submit like the Honourable second elected Member from the Sister Islands would back me up, that the educational system is somewhat like a ship. Usually, the critical stage in the ship is at the twenty year examination, at which time she must be completely dry docked and completely overhauled. And I am wondering Mr. President, whether we have not reached that critical stage to where the dry docking and a complete overhaul is necessary.

Recently in this House we passed into law legislation dealing with the Medical Services. My colleague and myself urged a cautious light in trying to get some amendments to that particular law, since that time I am made to understand by many people that this law does not really serve the community with the benefits most people thought would be derived. And I also understand that we are one of the few places in the world that has such a medical board. I speak subject to correction on that, I have not researched it myself, I am only going by what I have been told by various people in the medical profession.

Again, it is a pleasure to see that/next year we have an inaugurated Bahamas National Council of Social Services. This could be one of the best moves our country has ever made, but this cannot succeed unless it has the combined support of every person living in this Island. This could be the fairy that would put many of our problems to right and bring this community back on to the road which it travelled twenty to thirty years ago. To accomplish this, it's going to mean that everybody would have to put his shoulder on the wheel and everybody is going to have to dig just a little bit deeper than he has before. I hope that the people of this

MR. JAMES M. ESDAILE (CONT'D): I intend to do all I possibly can to see this problem, and will try to make a success of this. Although, I have to say that I criticised the manner in which it was started and the manner in which it was put forward to the public. I think that there are two things that could have hurt this programme, and it is two things that may not hurt, but I hope it will not.

The Cayman Islands has suffered, because they have been appendages to a body. They have been unfortunate enough to have about seventy miles of water separating them from Grand Cayman. This does not mean that most of these people have not accomplished a lot, and that most of them have not survived where ten million Jews would have died. But, it is time Mr. President that we must keep the life blood flowing into the arteries of those appendages. By saying that, I mean to speak in relation to the recent happenings where one of those Islands was about to be cut off from the sunlight. I cannot stand in the House and tell you that I know anything about this particular problem, I understand the property on which that airport is located is privately owned. But, I would submit to this House that as land prices arising everyday it would be much better for Government at this point to maintain the acquisition of that airport so that expansion in the future it could be improved, and maybe when we proceed further with our changes that the Honourable Second Elected Member could become at least the mayor of Little Cayman. I do not say that disparagingly, I mean it in relation to something else you have said in your message Mr. President, which I think would be very helpful to this country.

The Development Plan will be coming before us shortly. Now, this Development Plan has been controversial as most of us know, it has had a very long consideration period. I hope that when it comes before this House in its proximity, that it will have a full debate. When it goes before the people they will have opportunity to view it and object. I hope that whatever is done prior to the development plan will be done wisely and justly, but I do hope that that development plan which has had as I said, such a long consideration period will not be a sort of a touched up version of a replica of the one that was turned down three years ago. Regardless of what we in the Out Districts is in the Development Plan it must never in any sense be read vindictively, it might never be used to Sweetman's gain. And, if I may comment further on that, I would join with some of the other Members in this House elsewhere expressed words on the particular boards which will handle this in saying, that I think it is time for us to examine the changing of the boards at least every two years.

From the figures given to us Mr. President, we have found that Government is now employing about 4.5% of the population. And I would join with some of the other Members in echoing words of praise to the Civil Service, because in the last few years I would say, the efficiency seems to have picked up, and that I'm sure they have learned to co-operate much more fully with the public. I do not know whether that's because of the raises they've obtained or what.

Mr. President, we anxiously await the arrival of the Broadcasting Law and of the Charter, that will follow it. We hope that it will serve to put our Island on the airways of the world, and that a lot more people will learn about this Island. We hope at the same time that there will be a just opportunity for any member of the House to use this, but not to be used by only a particular group. So far as that is concerned Mr. President, I for one would say that I would be in favour as it was not used at all for any political means. But, I would hate to know Mr. President, that when this Radio Station goes into operation that we will be hearing every day that the Honourable Tom Sawyer took the sheets to the Hospital or that the Honourable John Walker Bull Jr., Tom Brown to the Airport. Because, that is the type of Broadcasting that could seriously undermine the true meaning of what the Radio Station will mean to our country.

MR. JAMES M. BODDEN (CCCI'D): In the past few months we have had a serious set back in our community with the failure of some of the banks, apparently we are weathering this storm much better than I am sure most of us thought. This problem in my opinion could have been shoot more boldly, but we do in some matter under the bridge I think that it would not serve much purpose for us to go into a lengthy debate on it. And I think one thing should be pointed out from this collapse, and that is, that if our Government had some sort of a central bank problems like this may not have arisen. I would also point out that I am hopeful that a bank inspector can be obtained and a competent one at that in the very near future, so that the creditable banking institution which we have on this island can continue. If any crime has been committed in connection with this I hope that Government will diligently pursue it and will face up to a successful conclusion if these charges can be brought.

Mr. President, at this time I think we have come to a point where serious consideration should be given by our Government in regards to our commitments to CAL. I, like most Members of this House, am very proud to know that our Island has been able to enter the Jet Age. But, Mr. President, although we may have subsidized CAL in the past, I submit that there is no reason for us to continue to do so in the future. This year could be in my opinion an unfortunate year for the operations of CAL, as I have been told that on many occasions the plane somewhere with eight or ten people aboard. I also understand that many flights have had to be cancelled, if they have been cancelled we only save money so far as the operations of the plane was concerned, we did not save money on overall issues. So, it is time for us to go into this matter and think about it and see if something cannot be done before we arrive at the time when we are faced with something we may not be able to meet.

In fact the plane that Cayman Airlines operates had a gross revenue of approximately 2.8 million dollars. That is a very large amount dollar earned by anyone single aircraft, it shows that we must have had a tremendous occupancy. But, the other point about that Mr. President is this, that from that large amount of money only a hundred and forty-two thousand dollars was net income, and that represents a return of only 5.09%, a very very small amount indeed, and certainly not the kind of return that Caribbean Utilities has been able to enjoy.

Along with this Mr. President, I think it is time that we negotiate whether Cal is paying its fair share of the operations in regards to management cost, that are supposedly should be finance from both operations. And I am wondering whether we do get any rebates under our leasing arrangement when the plane is used by Cal. Looking at the information which has been available to us we have found out that the plane must have flown an average of five hours and forty-eight minutes every day in order for it to run up the bill that we pay Cal.

Most of the Airlines in the United States today are experiencing the same thing that we are experiencing, only maybe worse so. Some of those Airlines have now decided to cut their budgets to the extent that they are not offering food and free drinks. Between Miami and Grand Cayman there is only about an hour of flying time, between Kingston and Grand Cayman there is only about thirty minutes flying time. I believe that most people who travel have probably gotten on their seat before they got aboard the aircraft, and in most cases if they are afraid as I am, you can't eat it anyhow. But, yet in 1973 we spent way too much food and beverage together, but just for fun we hundred and seven thousand dollars. And, Mr. President, if we were to only cut out the in flight that we may be doing way to an saving the amount that we may have to pay this year.

I think also Mr. President, that it maybe a good time for us to have a serious talk with the United States Government, and with the proprietors of Southern Airlines. I am quite aware of the bilateral treaties that are between the Governments, but I am sure that we would be in a position to make a very good argument as to why two aircrafts should not fly out to the same destination in the same day. And, it maybe possible that Southern would be granted a fourth point such as Atlanta

MR. JAMES M. MCCARTY (CAYMAN): and it this should happen I believe it would help tremendously the fortunes of Cayman for this year.

Mr. President, I am concerned about the port issue. I remember being told originally by the Second Elected Member from George Town that we've had assurances from the architects and engineers also in the association with it, I am not remember now it was that the port facilities as shown on the map presented to us would only have cost one million dollars. My remarks to him at that time was, I hope we find you sign that contract. Yet, we are being told Mr. President, that it is quite possible that that facility will now cost us in the neighbourhood of five million dollars. I am very pleased to see us embarking on a venture that will give this country appropriate port facilities. I have not argued this in the least one way or the other, because I am pleading for the progress of this Island and I am hopeful that whatever that decision is it will be dictated with wise decisions. But, we must consider that this could be a location that could be affected by bad weather, and it also could be affected by congestion of traffic. It is a major investment Mr. President, and it's a lot of money, and I hope again that every move that is made will be made in a wise and just way.

The new Road Works programme is now on its way, and again I would welcome Mr. President that I hope that the people responsible for this programme will see that only one side of this road is built at a time. However, if we continue to do as I've seen done in the past to build the entire say thirty foot road across, and then traffic continues on it, in less than a year we'll be back doing the same thing again.

Mention was made in your speech - I'm sorry that my speech had not an effect this evening. Mention was made of the Sewerage system. This could be considered, but again I hope that careful consideration will be given to this before it is put into effect. Because, we must realize that an Island such as this only has a limited amount of ground water. And if we were to use that ground water in the sewerage system, treated and pump it out to sea, eventually we could wind up in this Island similar to what happened to many Island in the United States. Because, it is a proven fact that there is only so much amount of salt water floating on an amount of salt water in any territory such as this. After you have taken off the salt water you are then down to the salt water and if its ... not being replaced eventually the Island could become denuded.

I wonder Mr. President, where it is contemplated to get the water from to supply George Town, because from the studies that I have seen there have been somewhere in the past, it is a proven fact that there would not be sufficient amount of ground water in the George Town area to sustain it. And in addition to that, it was also pointed out to me some years ago by a so called expert that in their opinion probably most of that ground water is at the present time polluted.

I am very pleased Mr. President, to have seen your reference and the action that you've taken in regards to making the Cayman Islands a port of industry. This would be in my opinion one of the best things that ever happened to this Island economically, and I believe that if ever we need it it's now the old saying "land where it is now", it can be of tremendous benefits, and I hope that this will be pursued vigorously and that I will have the privilege of being able to vote one time with Executive Council and say, yes.

Mr. President, it is quite necessary and its becoming something that we cannot get away from, in the fact that it is time for our coast to be adequately patrolled. And, I hope that in the very near future that this will be accomplished and it will not be with a small row boat.

In order for us to continue the local growth that has been conducted into the past few years, serious consideration will have to be given in the near future to some sort of arrangement for long term financing for this territory. I am speaking about the Public Sector Mr. President, and I feel like it's incumbent on Government to also see

MR. JAMES N. ROCKEFELLER: We think on this side. We can only grow into a pyramid on this way. We can only grow into a pyramid with a limited amount of enterprise locally, and this pyramid must never be allowed to topple, because once it does it could undermine the whole thing the territory has for its benefit which is its political stability.

I am very pleased Mr. President, to see that the good relief for the poor people of our country is going to be maintained. It's a further step forward in the economy at this time, and I am hopeful that that too will be forthcoming in due course. I would also hope that along with this somewhere in the near future Government will put before this House a bill which will give the Island a Social Security system. I for one would like to see a Social Security system that is based somewhat along the lines of the American system, or maybe the Scandinavian system, but it has to be a system that is going to be broad enough that it will be some help to the people in the future.

I await the arrival or the introduction of the new Standing Orders. The Standing Orders of this House are the heritage of knowledge that will guide our pathways, it has done it in the past it will continue to do it in the future, but whatever we do we must not tamper carelessly with these Standing Orders. I will remind the ruling party not to try and muzzle the opposition in these Standing Orders, because one day in the very close and near future they may occupy the seats lowly seven.

Mr. President, you know sometimes since this House something of a permanent appointment again. It's a revolutionary idea and I am sure that it will be welcomed by everybody in this Island and every Member in this House. And that is your contribution to the local Administration. It should make our people feel together, it'll give more people an opportunity to exercise the public responsibility which they should be shouldering today. And as the present time I look in to the future and I can already see some of the return that Bermuda Town will effect. And I will assure my fellow colleagues in the House as also in the Executive Council that they should have no fear of following your lead Mr. President, because Bermuda will help you lead the way.

Mr. President, I was wondering in your speech that no mention was made of Caribbean Airlines and the rate increase which came into effect in the last few months. With your permission I will discuss a bit from your speech and touch on it. I feel like this is a matter that greatly affects the entire country. Not years ago I understand there Members of the Legislature Assembly were appointed to be watch-dogs actually for the people of this country, at the present time I believe we only have two elected Members serving and there is also a private individual. I do not know how Government hands are tied in this matter, but I would think Mr. President that a fair look way of handling this would be that we had three competent Civil Servants such as the Attorney-General, the Assistant Financial Secretary, besides the person I know's want the Financial Secretary, is because I do not know where that man finds the time to do his work now, but probably the economists. These three people in my estimation would be the best competent people that could serve as Directors to represent our country.

Mr. President, I have many more remarks on this particular aspect and I find that in ten cities of the United States being an average of what they pay, that we are paying approximately five hundred percent more for electricity than any of them. We must realize that in a country like the United States there is any amount of taxation which companies have to pay, they have to abide by strict Union rules which means high high wages. But, they have to pay for the power so much less than us that it makes us wonder. The highest city I was able to find Mr. President, was in New York city where they are paying seventy-two dollars for one thousand kilo-watts of electricity. From that it came down to nine dollars and seventy-four cents in Seattle. The average of the ten cities that I would mention would work out to thirty-four dollars and twenty-four cents per month per a thousand kilo-watts. But, Mr. President if we take the lowest scale that

Mr. JAMES M. MILLER: (CONT'D). that is being charged for homes by Caribbean Utility. Now we find that the average home owner has paid in our country a hundred and sixty dollars for a thousand kilowatts of electricity.

Mr. President, I must admit to you and this House that I think something is wrong, and it is time that we give a lot of energy, a lot of effort and a lot of time in trying to find out what has gone wrong. When I brought a motion to this House sometime ago Mr. President, I advised the House at that time I could not vote because I had invested some years ago forty dollars in Caribbean Utilities. So far Mr. President, this year I have received in dividend a little over fifty-five dollars for my forty dollars investment, and I have been receiving dividends for several years plus the stock is now worth about fifteen times what I paid for it.

Mr. President, I am very pleased that I have been granted the privilege of being able to stand in this Assembly and join in the debates that have taken place. Because, I feel like history will say this was probably one of the most important houses in the history of the Cayman Islands, and I do hope that each of us will be wise enough to keep this Island on the course that was charted for it many years ago.

Mr. President, I do not hesitate in telling you this, that with the guidance that you have displayed since you have been in this House I have no fear in following you Sir. And I do not mean that idly, you have displayed to us sincerity and you have displayed to us fairness. And by doing so Sir, I think you have earned the respects of all of us. And Mr. President I can assure this House and the Members on the opposite side of the House that although we sometimes may do not co-operate one good with us and we have to show our servility, I can assure this House that we are willing to communicate in every way to try to carry this Island forward into the future with the help of our creator.

Thank you Sir.

MR. PRESIDENT: I doubt if we'll get much further tonight, and I suggest that we take a motion from the floor for the adjournment of the debate which will allow us to resume on Monday - before a motion for the adjournment of the House.

HON. J.V. MCKEEVA: Mr. President and honourable Members, I beg to move that the House stand adjourn until 10 o'clock Monday morning.

HON. G.M. MACDONALD: I beg to second that motion.

MR. SPEAKER: I'll take it that today's debate is adjourned, we'll carry on with it on Monday morning. The motion is that this House be now adjourned until 10 a.m. on Monday morning.

QUESTION PUT AGREED.

At 5.11 P.M. THE HOUSE ADJOURNED UNTIL THE 24th MARCH, 1975 at 10 a.m.

MONDAY, [illegible]

THE EXCELLENCY THE GOVERNOR, HON. CHARLES RUSSELL, CBE - PRESIDING

GOVERNMENT MEMBERS

HON. T. V. MATTHEW, QC, JP	FIRST OFFICIAL MEMBER
HON. G. A. HASTINGS, OBE, QC	SECOND OFFICIAL MEMBER
HON. G. T. JOSEPH	THIRD OFFICIAL MEMBER
HON. [illegible]	THIRD ELECTORAL DISTRICT ELECTED MEMBER (ATTENDED UNDER SEC. 31(1)(c) ISLAND CO-ORDINATION AND INFORMATION)
HON. D. O. JENKINS	FIRST ELECTORAL DISTRICT WEST BAY (MEMBER FOR EDUCATION, HOUSING, SOCIAL SERVICES AND LABOUR)
HON. M. N. CORNWALL, QC, JP	SIXTH ELECTORAL DISTRICT EAST END (MEMBER FOR TOURISM, LANDS & SURVEY, AGRICULTURE, HEALTH, AGRICULTURE AND SERVICES)

ELECTED MEMBERS

MR. JOHN D. JACKSON	FIRST ELECTORAL DISTRICT WEST BAY
MISS NADINE E. BODDEN	SECOND ELECTORAL DISTRICT GEORGE TOWN
MR. CLAUDE M. HILL	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. J. A. EBEL	THIRD ELECTORAL DISTRICT BODDEN TOWN
MR. JAMES M. ELLIS JR	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. G. TYRO RUTTY	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. [illegible]	FIFTH ELECTORAL DISTRICT NORTH SIDE

ORDER OF THE DAY

MONDAY, 24th MARCH, 1975

1. CONTINUATION OF THE DEBATE ON THE QUEEN'S SPEECH.

2. MOTION ON THE ORDER - ADJOURNMENT ON THE CRIMINAL LAW AND POLICE POWERS, ETC.

   MR. HON. D. V. ANDERSON, CBE., J.P. (Deputy Speaker) presiding

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Monday, 24th March, 1975

10 a.m.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. It is to continue the debate on the Queen's speech.

HON. D. V. BARRACK: Mr. President and Honourable Members, I certainly rise in pleasure to start this speech, and first I would like to congratulate you on this masterpiece of yours, that you have delivered here. I notice that you came in from the satellite angle. You came from Tasmania, but apparently sometime you think you are from Cayman - be a seaman yourself, and if tomorrow a marine board here I am sure you would get your seaman's certificate, because you did a masterly job in preparing that address. And it is good to have heard congratulations also that you have received from the other side. But also as a minister you realise you have to bear a little brunt around here, and you may have a little adversity if you are getting too much calm you might not get anywhere, you need a little bravado sometimes to be able to get you really moved, and it will be - get on the way.

I would though, at this time, like to try to touch on some of the things that were said, particularly about the Police Department - if I can help out in any way. The Members will see on the notice paper that the report for 1974 is going to be laid on the table. The police are not going to say that they are perfect, but they are endeavouring to try it to their best. They have a new building, and for the first time, you are getting some training here for the local people and for the recruits. We have a training officer, and this is a big step forward. Prior to this, whenever one was recruited into the service, they had to go overseas for their first indoctrination, and it is good that we now have a local training section open, so this has been a step forward in the police department.

Likewise the special branch section has been divided away from the C.I.D., and the Special Branch is now operating very successfully under a superintendent and doing a good job. And as you will know from the Queen's speech, it is hoped to set up a new drug section also. All of this will help to streamline the efficiency of the police. The thing that is outstanding in it all is that during this year we did have a number of local people coming forward to join the police force, and I think this is desirable, and it speaks well for the service that they have made an attempt to get local ones, because prior to this it was difficult to get local people into the service, and this is what we should try to get as many Caymanians as possible in it, who know all the local customs and habits, and it also keeps the morale.

Much has been said in respect to wages and the returns and all this, but as I said before, let us not delay too long. Many times you will see that here a crime has been done, and that something has happened, and you don't see action, and very times you use this word, that it is public knowledge that this has taken place, or the other has taken place. It may be our public opinion that it has, but the difficulty is that the police is having, or any one would have it to be able to have proof of these situations. Where circumstances

Edit v. Kaukas (cont'd) it is all very nice to go to court, and those of you that have anything to do with the court know that when you go into court you have to be able to bring proof, not what you have heard, or what you think, but there is a fuss: here is evidence for: on the go for being a real person, and answering all the issues they cannot be simply-plain: all the time, so it behoves each and every one of us, natives or foreigners of the Tagalaniqua or anyone else to come forward with the evidence, and be prepared to go to court and to volunteer it. I have seen it and therefore this is the position. But very often it is difficult to get a thing, it is one of the difficulties that the police have found lately to be able to get accurate evidence, and people to stand up and say I saw this.

There is a case as you know, in Penrhyn and still unsolved, because it is difficult to find someone if there was anyone present to say it saw it.

In the report you will find, what you have it, that the total number of crime that have been reported during this year, has increased since what was last year. The total number is 4804 and even thinking of the traffic, which can be restricted, because it is said that a lot of speeding is done, and no doubt this is correct. But in 1973 there were only 193 cases brought because for traffic offences which is 1974, 341. So apparently that speaks for itself, that the traffic section has been on the ball and doing its endeavours best. Still in the case of most accidents there has been an increase also, because there were 252 in 1973, and 270 in 1974. But by and large I would say that they are doing a reasonable job, and trying their endeavour best, and with the co-operation of every one, I am sure that the future will be good.

Mention was made about a beat, and not getting the beat. and walking. Well it is to say until we get the drug machine set up and we have an answer in, and the findings of that, and see how it is going to determine the type of beat and every thing else. And whether it is necessary or not. But the survey that was voted this year, or has been voted, Barbara right be glad to know they are planning to build three new stations. One in Avarua town, one in Nikao and one in Avatiu. At present they are occupying rented premises, and we appreciate the fact that we have been able to have the use of them. But rental premises can never compare with our stations, because the stations have to have their special facilities, as in that. Whereas you have to make allowances if the police is moving out of quarters that are not usually police stations, and though they are good and we do appreciate, as I said before, being able to find places in the districts. But when they get these new quarters, you can expect even better.

Regarding the recreational hall, we are expecting to receive the offices that are used by the Local Government, once the new building is erected. To be able to give the police some place where they can have as their recreation, but able to play some games. It is unfortunate that they don't have any place now, but this will help to improve the social and spirit in the force, and no doubt various others as well as the fellows. I don't think one complete does not much about the music and the noise that you may hear from it. I know that you are that you have also made it in that area, but you have to keep in mind that in that main direction, and with the prevailing winds, there are the other clubs in that neighbourhood; further up the road is the one for that that plays, and then there is one by the theatre, at the ring road, in the back there, now with the wind as it is you will expect to hear some of the music.

HON. D. V. METZGER (CONTD.): Interestingly, most of the phrases of entertainment have gone. They do use those expressions in their manifesto, and it does cause some amount of discomfiture. But again remarks can be made to the policy, and they can go around and try to check it, if they are becoming a nuisance to people.

Mr. President and Honourable Members, I don't think I should go off any further. There have been some questions, and I was to have the Member for Social Services here, and particularly in respect of the certificate of education. And I think that he would be able to explain that, because I am not sure that Members are all cognizant of what it is all about, and it is not just a new system of education, as all. It is still the same system.

But with this I would like to thank you all.

MR. S. SAIL KIDDOO: Mr. President and Honourable Members, I always like to speak immediately following the First Official Member.

Because this House is fortunate in having on it the one Mr. Kissinger, because if there is any man that can bring peace in this House, it is the First Official Member. I remember very early in last week, when we were really getting into difficulties in the House, and in just one sentence he captured the whole gamut of it in this House. When we got into our forestill sentence what the First Member Sans Souci had in mind, and just like Memory Greyjoy, we got a word perfect history lesson. And for those of you who are not familiar with that quote of the Sansa Souci story, I will give it to you; Madame Blavatsky once said, that a man is more interested in a woman who is interested in him, than he is in a woman with a beautiful leg', and our First Member of Government has the ability to capture in a nut shell, all the agony of trouble that would go unnoticed by other Members, and I have great respect for this Member.

I also Mr. President, must congratulate the Governor of the Cayman Islands, on delivering the Throne Speech in such a commendable manner, in fact, it is the only decent throne speech that I have heard it in the first one I do knowledge. That has given us statistics that we can go on, not has backed up the words with figures.

The debate on the throne speech is altogether different from debate, it is unique, in that because of the other debates, the President of the Assembly is in his Chamber, because of the below speeches. But for the throne speech it is the reverse, we are here because the Queen's representative has put forward the policies of Government. I have covered your side of your mission, in answering the post of Governor of the Cayman Islands, because of power as Governor Designate, it is now. The First Member from Western Town believed last week the Gilbert speech in his over time in either the throne or budget debate, as you can expect that all the bad spirit will be coming today.

And I am glad that Executive Council is almost at its full strength today, because last week there weren't too many smiles on their faces, when they know that they were garbage out outboard, and they were without any financial secretary, and one or two of the other back-up Members.

Mr. C. Pete Knight (CONT'd) The most popular of all the leaders throughout the ancient World, was the Old Testament and the reason for its popularity of Jesus was that he had the ability to look forward, and to look backwards. Well, most of us can see in the future, but we all have the ability of looking at the past, and we should be able to learn from the mistakes of the past, and I don't think we have. That will be the central theme of my speech.

At this point and time, we are undergoing many changes; that we seem to have no precedent to follow; we have nothing to guide us. From the inception of our new Constitution we have made many changes. Government has been changed from the old Civil Service type of Government to the type of self Government which gives Elected Members of the Executive Council certain powers, which they had previously not been entitled. And because of this I sense responsibility has come out upon the shoulders, to which the people. They reposed in this Chamber, not only to watch what they setup, but to watch them after they are elected, to see that they carry out policies, and that they pass policies, which will be in the best interest of the Islands. Because the elect of members of Executive Council, now enjoy privileges which at one time were the sole prerogative of the Governor, or the Administrator.

In the approach to the Throne Speech, fifty-three Bills are listed as principles to come before this Chamber, during this year or next year. I don't know how many people realize this; but every piece of our life will be affected, and with the powers by these Bills. We have in this opportunity laws that will deal with every thing conceivable from the divorce courts, to the cruelty to animals, from the supervision of ships to the water supply; from the use of electricity to the pub ic enjoyment hall. And our people had better awaken, because this Assembly is changing everything that we know before. Why I ask is the public ready for all this change, do they know what is going on; has it been sufficiently advertised? Are we prepared to make the necessary adjustments? Many changes will have been made in the first years from 1974 to 1976, that were made in the forty years from 1934 to 1970. We all of this adds up to the fact that our public arena be awaken, and to find out what is happening in their Government. They must no longer rely on hearsay evidence.

We people have a good view in the Press and the Radio, providing they carry factual reports, and I am hoping that they will live up to their task, they have not done so in the past. Even in this very session, over the last few days we have observed a most dramatic change in the procedure of the courts. I don't know that we are going right, I can't agree with all of it, because of the very complex (illegible) which will change the whole function system. The officers of the Court will have to go back to school to find out how it they work. I understand on the authority of members of the legal profession, that these Bills will be changing the system to know here, the system which we followed/was adopted from England, to the system followed, perhaps in other Commonwealth countries, particularly in the United Kingdom, and our local lawyers will be somewhat at sea until they get into this new system. Perhaps the lawyers that were practising in England, or in other countries with statutes, will be more at home with these new Bills, than our local Attorneys-at-law. And I am wondering, if all this travel and domestic chaos, is going to do us any good, and if it is going to work all right.

MR. G. Reid Bridges (cont'd.): Because the Post still retains, that our Court of Appeal will still be the Appeal Court of Canada. It is true that our final Court will always be the Privy Council in England but how many times ever reach the Privy Council, they have to pass through the Appeal Court, and we are undertaking a sequestrum case. And I don't think the public ever knows what is happening. But although we have fifty-nine Bills, some of the same important bills are missing from this priority list. The most inaccessible law on our books as well is the Election Law, and no mention is made of that Election Law, in that I am opposed to the throne speech. We have very antiquated systems in our Election Law, unfortunately with the use of the postal ballot, with new use or procedure on voting day, and with the necessity for trade up Election Petitions, and this Law needs attention in this privacy list, and dealt with in this year 1974. Because we have an election next year, and we should proceed and revise this Law, and going in hand keeping pace with all the other changes that are going on. I could mention several other laws, which I would put on the priority list instead of some of these numerous Bills like the Public Residence Bill, perhaps that will be aired in the but I don't think a good job has been done in listing the priority Bills.

The trouble in your economy, in the Government's speech, was that we can't do everything at the time. One member said in this Chamber last week, that he believes we would have a budget of forty-six million dollars to do the things that are Saddam that members want done, I am sorry he is not here today so I can move him two years ahead, but perhaps he will read it in the minutes. We do not need to increase our budget or do many of the things that are necessary, what we need to do is to change our priorities, so we do not need much money. What we need is a change of priorities.

Let me show you what I am talking about. In Health area, nearly every member in this Assembly agrees, I think it is time that we look at our prison services, and we start to think about keeping our prisoners here, instead of the cost that the cost would very high, we would need more security. Where is the money coming from, all we have to do is to change our priorities. Is that beyond the Justice system, and beyond the economics, we need to look at our cultural priorities. If we are to carry out these things, without spending more money. We have to change our emphasis, from the things which harbour to the things worth being. Instead of having a building for previous purposes, we must/if we are modifications. If we do not have to increase the budget, we have to discuss our spending.

In the cultural activities of this, under a certain item of primary services, we only spend one thousand dollars in a particular area of the primary services, we estimate that we spent fifty-five thousand dollars on salaries only and a much large sum on elementary. We only spend three-hundred dollars for the maintenance of Juveniles and Approved Schools for example, we spend one hundred and thirty-six thousand, three hundred and eighty-nine dollars for the Cadastral Survey, and a very tidy sum on the Internal Revenue. Now what we are spending in one year forty times as much on the Cadastral Survey, as we are spending on the maintenance of Juveniles in Approved Schools, there must be something wrong, with our thinking. We only spend six hundred dollars for child care and protection, we spend two-hundred thousand dollars for security on contracted officers from abroad. We spend three hundred and twenty-three dollars we must be particular to contracted officers from abroad, as we do in child care and protection.

Mr. C. King Mooney (cont'd.): We pay salaries to the people in the United States connected to the Social Credit, we paid them salaries, or it is budgeted for in this year eighteen thousand three hundred and sixty dollars, that is not so bad but for pensioners we are providing three thousand four hundred, and thirty-two dollars for our contribution to their social security scheme. I am not sure of the exact figure, but I don't think there is any employer in the Province that is contributing more than five per cent of the salary, for the payment of the social security scheme. We spend four hundred thousand a year to kill a few mosquitoes, and nothing in comparison to the rehabilitation of juvenile offenders. We spend two hundred and thirty thousand dollars a year to promote tourism, and only two hundred and eighty dollars a year to promote the Boy Scouts and Girl Guides. We spend one thousand times as much on tourism, as we do on the scouts. With this type of spending, is there any wonder that there is no money to put for juvenile delinquency.

We have established this year, a National Council of Social Services, and I am very proud, Mr. President, to tell you that one of the very first problems tackled by the Soddie Town Members when they came into this Assembly, was that of social progress. And although in the Throne Speech we were disparaged for talking about Social Services. I am glad to see that Government has established the National Council of Social Services. What it will accomplish, will depend upon what the citizens of that Council can do, as well as to the pressure that comes from the public. But I believe that instead of providing large salaries for people at the top, we should think about increasing the ratio of our Probation Officers to juvenile offenders. We now have one probation officer for every one hundred people in the Islands, and it is time that we got more than one of two Probation Officers. Because with the few officers, we find that a child sees the Probation Officer, once per month for half an hour, and then spends two hundred hours on the street. It is an absurd premise to think that that kind of contact can be of any good, so we must increase the ratio of our Probation Officers to our juvenile offenders.

This is a topic on which I feel very strongly about, and studying the Combined Report I see that the two things cannot really be separated, although they may be assigned departments, because there is a link between recreation and Social Services.

The First Minister from Freedom Town touched upon tourism, but I want to make a few points about it. We need to take a new look at tourism. For several years now we have enjoyed an increasing number of tourists, but an analysis of the figures given in the Throne Speech, indicates that there is cause for concern. While the number of tourists for 1974 increased to fifty-three thousand one hundred and four, a sixteen percent increase over 1973, the notion that hotel occupancies dropped from 83.5 percent to 77.5 percent. This means that more tourists arrived in 1974 than for the previous year, but they stayed for a shorter time. This is what we need to find out. We need to find out why they do not stay so as to give the hotels a better occupancy rate. Is it because the rates are too high: Is it because the rate charged for one glass of wine is one dollar fifty cents, or a dollar seventy-five; when the local buys the whole bottle for a dollar twenty. There was a letter in last week's newspaper, by a tourist who had high praise for Prince Island, with the exception of the high prices. Most of that I have talked to tell us that they do not pay the prices that are advertised in the brochures. What they pay when they get here is a completely different pyramid structure, put on by the hoteliers.

Mr. [illegible] (Speaker): Should the hotels be a lower tax or put on a fifteen percent gratuity? They should not. A gratuity should be given by the tourist to hotel workers who deserve to be tipped. Further more it is my belief that when a gratuity is collected on a blanket bill the money doesn't go to the rest workers. It is split up against Tom,Dick and Harry the Vice President in charge of mixing cocktails, and what not. Perhaps some of it might most go to the waiter in some far off land. But it is my belief that the money is not going to the people that deserve it. Which means the tourist is not getting the service he should have, because the tips are not given for service. They are extracted, like Matthew collected the taxes. So we need to look into this matter of tourism. It is good that we now have a Minister in charge of it, and the responsibility is on his shoulders to make an examination of these charges, and to find means and ways of remedying the evils that now exist. And he must further find the answer, and he had better find it fast, because the tourist who leaves because he was dissatisfied will never return again.

Earlier this year I stayed at the Montego Bay Hotel Inn, and it was full all five hundred rooms of it at a time when our hotels were nearly empty. What is the reason? And don't kid yourselves that because there is a little war in Jamaica, as some other Caribbean Islands that tourist will flock to Cayman. So if this/[illegible] real industry, as I have been led to believe by the propaganda that has been spread about it. it is time that we take steps to preserve this industry. The most alarming part of the tourist story from your throne speech is that not only had the bookings fallen off during the second half of 1974, but that the downward trend has continued into January of this year. I am quoting the exact words. When the figures were down 7.7 percent, over January 1974. Also the hotel occupancy rate dropped below 60 percent it means that the hotel is not a viable business. The hotel needs an occupancy rate of 60 percent and our hotels are now enjoying, according to the throne speech 55.3 percent. This is worse for whom. Now what are we doing about it? I'll tell you what we are doing. We put here in November last year, and removed the duty-free Aid bill to encourage the building of more hotels, so that the occupancy rate can continue to fall even lower. This is what we are doing just repeating the mistakes of the past. I am glad the Member for Tourism is taking notes, because he needs them. We must/realistic, we must not continue what we have been doing. It is true the hotel industry shall needs certain incentives, but I don't believe they need incentive to build more hotels, so that the occupancy rate can continue to drop.

I am hopeful that we will be through with this debate today, and so I am just cautioning the next speaker, to give the Members time to reply.

One thing mentioned in the throne speech was the position of the Cayman Islands with regards to Britain's entry into the European economic community. This is a very complex subject, and one of the few that is really beyond me. I must admit. Britain's entry into the European economic community will have many problems for Commonwealth countries that were making exports to Europe, and to other world markets. But like any instance in which the difficulties seem to have worked good for us, we do not have to worry about the market prices of any bananas or sugar, so we do not have that problem. It follows then, that the association with the European economic community would be almost a unilateral agreement, in which we would stand to benefit, far more than we could ever lose.

MR. G. HALL EDDEN (Cayman): You pointed out in the throne speech that a new source of aid would be opened up for the associate members, of which the Cayman Islands would be one, and that we will be eligible for certain aid funds, of course, you could not tell us to what amount. The only little draw back is that we will have to restructure our customs tariff, to afford the privileges to other European economic community countries, as we now afford to the United Kingdom, and this is a very simple job.

If all the goods we imported from the United Kingdom received preferential treatment we would be losing a lot of revenue. If/and to extend preferential tariff rates to all these countries. But our legislators in the past, were wise enough not to give away too many concessions, and the result is that in our tariff law today, the United Kingdom does not receive but very little preferential treatment from us. There are a few items, cigarettes, liquor, corrugated roofing and one or two more I don't think the list goes on to half a dozen. There are only very few items from Great Britain that receive preferential tariff treatment, and those few items only receive a five percent reduction. It means that if a person was importing corrugated roofing from the United States, he would have to pay a twenty percent tax, if he bought it from the United Kingdom he only pays a fifteen percent tax. What I am saying is that we can well afford to give to the other members of the European economic community the same preferential tariff privileges we give to the United Kingdom, and we won't be worse off. Our legislators in the past must have been wise indeed, because you notice the items I have mentioned, of which the building material stands out as the most important one. If we now give, say, to any European country the privilege to send in we goods which will be taxed at fifteen percent, it will mean that we will , to a more or less degree, reduce the cost of building materials, and as a house is generally the largest purchase that any man ever makes in the Cayman Islands, this would be a good thing. So we can well afford to allow building materials from Belgium, or Germany, or what ever country they are, to come in here at a fifteen percent tax.

And only that, I believe that this much closer association with Europe, will open up wider markets, new areas where our merchants can purchase high quality goods at favourable prices, and the sooner we can get this association, the better.

I emphatically agree with an observation of the Governor in his throne speech, that the time is ripe for the establishment of/and of local administration. This is perhaps the most revolutionary item in the entire speech. It is small wonder that no/would to have thought of this before, because the need is here. If local administration is set up in the Districts, it will mean that Cayman Brac and the other neglected Districts, including the Sweet Islands, would get better attention. It has always been my contention that Government behaviour of the Cayman Islands acted at Crown Road. The Eastern districts and the Sweet Islands seem only to receive the crumbs that fall from the master's table.

I understand you proposals to mean that local revenue from the districts, would be ploughed back into the district for the improvement of the town's amenities. This might mean that in addition that the clinic might be fully staffed. It would certainly take a lot of headache from the Member responsible. It would mean that it could be run properly, without the Members having to come here, and fight it out on the open floor.

MR. D. WAIG BODDEN (Elect.): We might even be able to get the community hall which this Assembly agreed to build in December of 1972. You made a very astute observation in your speech in that no matter how important a thing may be locally, it can pale into insignificance when world national issues. For example the staffing of the clinic at Bodden Town is very near to the hearts of the Bodden Town people. But it has been overshadowed by things of greater national importance, and I see the establishment of Local Administration as having a very good thing for the outstations districts. I also believe that if the people in a District knew how their taxes were being spent, they would pay them more readily, this would relieve the burden of the Financial Secretary. If I can know that his pull tax was going to keep George Town cemetery clean, most of them would pay it more willingly. If they knew that the tax from the dogs that roam the streets, would go to paint the Post Office, I'm sure more people would license their dogs. So I see this as being a good thing all round, and I hope we will not have to wait two years to hear more about it, because it has been acknowledge that since I have been here that certain things appear in a Throne Speech or a Budget Speech, and the next year it is absent. And then in the next succeeding year it is brought back.

I'll give you an example of this some time ago some mention was made of Government looking into the possibility of establishing light industries. This was under the jurisdiction of Mr. Jefferson. The last year this item was missing from the Budget Speech, I commented on this, and I am glad to say that it reappeared last year in the Budget Speech, but I am sorry to say that it is now missing from the Throne Speech, and I would have liked to have heard more about this in the Throne Speech. I must admit, Mr. President, Cayman Brac was the first District from Bodden Town constituency, I've been practising economics, but it is heartening to hear of the intention to renovate Police Stations at East End, North Side and Bodden Town.

Last year we received a tender for our Town Hall, and I understand that plans are afoot to take that a part of the Police Station, that would be a good thing, because we would/salvaging something from the waste that was carried out then. When the toilet was approved, every expert in Government was called together to waste Government's funds. They were able to build toilets at a cost of nearly ten thousand dollars each when two hundred dollars would have put a toilet in a little room in the Town Hall, the engineers could not find out how to dispose of the sewerage. This is an example of waste of Government's funds, and to my knowledge is correct, and this elaborate toilet, which is suitable for Buckingham Palace, I dare say, can be incorporated into the new Police Station, Government will have salvaged something from their great mistake. Because the real mistake was not in the cost of the building. It was in the siting of the building. This toilet was put down in the centre of nowhere, so far away from the town as to say that a trolley bus service is needed. Although the intention on putting it there, was so that the Town Hall may be used as Conference centre.

This toilet in Bodden Town is put down in/Pines at last, this is worth thousands of dollars. And so it this Taj Mahal that has been built for the glorification of some people can now converted into something else. Government will be learning from their mistakes of the past.

MR. G. KRUG PEGORY (Inkerman): I also see that a new Police Station will be built in North Side. North Side was very lucky indeed with their collect, in that they were able to be converted very quickly into a medical clinic. But I can't leave this subject, without paying tribute to the members of the North Side Member, who swore he would run a bulldozer through that committee they were getting up in front of the town hall door, at the advice of the ratepayers. The toilet in Golden Town is big enough for a mini Town Hall, and it is far enough away to be easily used anyhow for the new Police Station. And this is what I mean, at the corner of my speech, that although we don't have the trade, we'd we can't look the ways, we can always look at the past and learn from our mistakes, although some Members may argue that in these instances we did not make mistakes. But they would sound very ridiculous if their statement. And this story of waste, could be multiplied many times, but that would be a subject in itself, and I am here to debate the Budget Speech.

It is time that Government set up a committee, to go into waste in high places, because even things are done which seem to have no reason at all, and it is time that even of things we examined.

When the 1974 Budget was presented, I made strong objection to putting the dock in George Town. At that time, I was told that it had to go in George Town, because to put it any where else it would cost too much money. At that time we were told that the dock would cost a little over a million dollars. I remember the Lady Member from George Town saying that she did not be here then. She did not believe that they would build the dock for a million dollars. I may I find that she is correct, because we have from the Budget Speech, that the cost is now not one million, but 1.5 million, plus seven hundred thousand dollars needed for space for warehouse space, plus another two hundred thousand dollars needed for administration building, bringing the total cost up to 4.6 million dollars.

The question that I would like to pose is why is it that after every the initial approval is sought, the cost is always played down. And after the public has become hooked upon the project, and after the approval has been given, the true cost is then given, a much magnified cost, a skyrocketing cost. This is the design of the highest order. I was not here when the initial approval was given for the Industrial Estate, but I hear from Members here that the people - I have spoke hearing that drive told the public that the Development Bureau would not cost the Government one penny. But last year this Government spent two hundred and thirty-six thousand, three hundred and eighty-nine dollars on this project, and they have spent a similar amount in other years, and the end of the tunnel is no where in sight.

But what perturbs me most of all about the 4.6 million dollars, that we are now hearing about, is that this project, which was started out early in 1974, if I remember rights, a certain Bill came before this House known as the Town Capital Bill, empowering this Government to borrow money for the roads, the reclamation building, the docks and the airport terminal building. And that Bill empowered this Government to borrow a sum not exceeding five million dollars. I have the minutes of that meeting right here in my bag, but I don't think I need to rake up the ills of the Bogey with quoting it. The Members can look it up for themselves. So today we are faced with a situation, where the minimum cost of the dock will be 4.6 million dollars, minus wharfingers and administration buildings.

MR. D. TATE SOLDEN rocked: ...and say I have what some would s must be without the Government to run it. Government needs to learn from its mistakes in the past.

...ow in the way of new plans for 1975 there was...t very much in the throne speech, and that is quite understandable, because two years ago we had established ourselves for four very big projects. The four projects I have been talking about, and I agree that it is not right for us to think about too many new projects this year. Out of these four projects, perhaps it is only the administration building that will be completed. So in 1976 we will probably have three of the four major projects. So it is right Mr. President, that the Government should not have ventured for many new projects, because I believe we are now carrying all that we can bear. But again, the new projects is the establishment of a Radio Station, one of the few things that we could have done without. This Radio Station will reach into every home in the Cayman Islands, and I am looking forward to hearing the Government Members outlining their policies over this broadcasting station. The First Member from Bodden Town last week put this quite eloquently, when he said you would hear now the Honourable Ian Sawyer, C.B.E., will have lunch with the head of the Cultural Survey, and now the Honourable Jack Jones, O.B.E., will meet to confer with the Chief of Staff of the Natural Resources Survey, and I believe this is the type of thing, that will go on at this Radio Station, and I am worried because it will be a Government owned, and a Government run station.

I am puzzled that the public has not been asked to participate in this station so that they could fully make use of the time, and also share in some of the profits. But if the public participated as much in this station the station could not function the way that I believe it will function. Now what worries me in that Government has taken into the field of advanced communications. If Government is going this, why not offer the public the other field of radio a Television Station as well.

We will hear about the cost, the cost won't be more than the cost of the dock has gone up. It is my firm belief that the establishment of a Television Station would compete with the police picture caller. Talk on new way on this subject, because when Cayman was written he has written Government closed its mind to re-election. So we will have to wait until [illegible] change in the composition in this House, before the subject of Television can be reopened.

Favourable mention has been made of the Lesser Islands. On my very first day in this Chamber I was almost kicked out of it, because the First Member from Bodden Town and I brought a motion hoping that Government look into the economy of the Lesser Islands. We had ventured into somebody's secret domain. The motion was defeated, and Government was lagged in looking at the Lesser Islands. Right now we have here, hundreds of off-shore companies, who do transact all of their business by mail, telephone, telegram, telex. All these services are readily available in the Lesser Islands, almost in Cayman Brac, and I believe that our Government could invite the best fifty companies, that come here to incorporate, to do their business in the Lesser Islands.

MR. C. MAYO WARREN (SOUTH): And if there is no response, make it one of the conditions of being allowed to operate here. We have a financing Bank in this debate that/imposes conditions of the greatest sternity, so why don't we impose some conditions of real good. If Government does/takes a closer at the situation in the Lesser Islands, the Bahian Bankers will be reinstalled in the nation which they brought in December, 1972. The only difference is this time we know the artillery that will be aimed against us, and we will have the necessary tools to fight it with.

Mr. Speaker, I will continue the debate after/before/ to-morrow at/about/ half-past six or twenty minutes.

Mention was made in the Throne Speech of the Police Department. I have no special gripe with them, because I believe they are now putting out a very good effort to do a good job. I am not sure that the police is getting all the back-up they need from the Legislative Assembly, from the Courts and from the public. I am not alarmed about the six hundred traffic offences we heard about, because most of these were minor ones. What I am really worried about is the fatal accidents. In 1974 they were eleven fatal accidents on our roads. Five of them in the District of Waikiki Town, in the area we have tried to reduce the twenty five mile per hour zone. The only barrack that celebrates a fifty mile per hour zone that is why I say the police are not getting the back-up they need when fifty percent of the deaths that occurred within the district of Waikiki Town, in an area that should be twenty-five miles per hour.

We are told about the introduction of a new system of examinations in the school, at least a compulsory system, where children can now sit for two examinations. I can't see two examinations working out in a school so small. I believe that both of them will suffer. It's in a time when most schools and colleges are upgrading their certificates. I understand the reason why this certificate of secondary education has been introduced. It is because, perhaps, some children are not suited for academic studies, and could take advantage of the technical side of education. I believe in education as a way of fitting young people to take their proper places in society. It seems to me that too much emphasis is being put on testing and on pen equipment. The Third Member from Nuuanu-Punchbowl Side has said right on the board last week when he said that jobs are advertised so that they can't be filled by the local people. The requirements are so high that the local people can't meet them. Which is just another way of saying that our schools are not bringing the children up to the standards they should have. Most of these jobs require five or six 'O' Levels, and the majority of the children leave school with one, and that is probably in religious knowledge, which does not really fit the person for any job, with the exception of the ministry.

So we need to take a close look at our schools, and do every thing possible to see that the children leave school with the proper credentials, so that they can take the jobs that are made available. We can take this matter of testing a child but say. There are many children that are leaving which could well take some jobs, if we did not say we are you must have five this, and must have six that. Because most of the testing that is going on around the world, is not to eliminate and to humanity. Psychologist have devised the colleges devised tests to show how well you will do in college, psychologists have devised tests to show whether you will be compatible in marriage, and they even have now to determine what traits an infant will have, as an adult.

MR. C. EARL GODET (COCOS): But if we take this road too far, if we follow this intensifying of taxing, we will rob children of some of their advantages. When we tell a child that you cannot become the Governor of the Cayman Islands, or you cannot be the Chief of Police, or you cannot be in charge of the Hospital, or you cannot be the Chief Immigration Officer, because the school system may or is responsible, we are robbing the children of their dreams and we are robbing those talents of the service that could be provided by those children, and so I believe that the most efficient and penetrating technique of measurement will never measure the spiritual ends of man, or the gifts of an individual. And we therefore need to take a look at our schools and see that the children leave the school with credentials that will fit them for the jobs that are available in this Island. I think we put too much dependence upon what outside experts tell us: they know the job requirement for a job in they don't know anything about a job in George Town. And I think it is time that we tell some/those experts that they don't know.

The last compliment that I will pay to the Governor for the throne speech was for the mention of the setting up of a committee to look at the registration of ships.

Those Members whose minds have not been befogged by my talk this morning, will remember that in the last sitting of this House the Sudden Town Members brought a similar motion/ intact I should say almost an identical motion. That motion was voted down, as all other sudden Town motions are voted down; but I am glad to see that the Governor of the Cayman Islands did not vote along with the group that voted down that motion. I am glad to see that the Government has set up a committee to examine the possibility of registration of ships. I do not going to argue the point of registration here since it seems that I did so well in the last sitting that it has still sound unassailable/but there are a few points that I must bring out to show how lax we have been in this vital matter.

As at the end of 1970, the total number of vessels registered here amounted to fifty-five. A decent number, but they were all small ships. The total dead weight tonnage on these fifty-five ships was only forty-six thousand tons, much less than the size of one, and the size of one average size tanker. So it's not a disgrace. Here we have been sitting here, Islands, that pride themselves over their heritage with the sea. Islands that put on their crest of arms "He hath founded it upon the seas". And we sit here, and the vessels registered here amount to not even one good size tanker. Fifty-six thousand tons only, when today most of the super tankers are three hundred and fifty thousand tons. And on the Swiss Bonny, there is now several hundred of the tons. Half million tons tankers and other bulk carriers. And why have we done this because we listened to the lawyers. They have said no and we swallowed it hook line and sinker that it could not be done.

Scottish Law does not a bit nervous if/ attacked by some of the great navies in the world, and when they approached upon this matter, they told us that it could be done. There were very few things in the way of it. One of the reasons why we have not attracted foreign shipping to replace their ships here is because all registration all of those ships with the exception of the very small ones, would have to be of British Ownership. I will not, Sir, this time, go into the few changes/that to be made in our Law and in our relationship with Great Britain, for it can be done. And I can also tell the President, that when that committee reports to you Sir, you will be able to tell us that registration of ships is not an impossible task here.

MR. G. VIJIA NAYAR (cont.) In the throne speech you paid a compliment to the Soulbury Constitution in that you said that the setting up of this Commission was in keeping with a mature approach by us. This is indeed a change in the attitude of the powers that be. I can well remember in the past when we were filled with frustration, because our motion had been trodden under the feet of Donoughmore. But now, I see that you are self-assured that the Government of the Ceylon Islands is build enough and strong enough, and erect enough, and straight forward enough to wander into or Caesar, the things that are Caesar's. I never thought I would have lived to see the day when this would happen but thank God there must be some measure of understanding, where communications are concerned.

The last matter in my speech, is again agriculture. But it is no more than to say that in/ of agriculture, the throne speech seems to be following the pattern set-up in the budget speech/ which agriculture has been moved from its lowly position to heights. That is observed.

In closing Mr. Speaker, I would like to take my hat off to you for/leadership; what is leadership, if you don't have it you can't buy it. A law cannot be passed to give it to you. You can't vote it at an election poll; it can't be consigned; it can't be transferred or it can't be sold to you/heirs; it is not negotiable. The mysterious qualities which type you as a leader, must be earned, and sometimes it is a long and painful process. In all areas of society, we/have those say to buy it with their wealth, with all success. Others have tried to acquire it force, only to be humbled in the dramatic. History is replete, with the failure of those who had hoped to inherit it from their fathers. It is more elusive, than a dream, and as easy to lose as your reputation. As I said, at the beginning of my speech, probably not since the time of Moses has the need for leadership been so great. Nowhere is it needed more, than in the Ceylon Islands. I believe that you can offer that leadership.

And let me leave this thought with the Assembly. May the highest achievements of India be just the starting point for tomorrow.

CAPT. D. D. PIYA: Mr. President, I wish to commend you most sincerely on the throne speech.

I think it is one of the best I have ever heard. You mentioned almost every phase of Ceylonese life. The main points - at issue, and really everything that contributes to three most of our problems. There was only one point that you did not mention, and I suppose you thought it was better to let sleeping dogs lie - that is one point that I thought I would like to have heard something of. But that I shall mention, or refer to in the last sentence of this speech.

You have shown us that you have the ability to make us feel that you are one of us. I was highly impressed the day when I went in to take my usual call on my dear friend - the Third Elected Member from Mawanella. I usually go to see them as often as possible. And you met me in the lobby and you spoke first, and you asked me if I had come to see you - I thanked you, and said no Sir, I've come to see Deshan.

CAPT. M. H. KIRK (Cont'd.): What such a great impression on me. It showed that you have the aptitude to get along, and to let us feel that we are one with you. And on other occasions, I have been present in that lobby, and/been spoken to, or replied to when I spoke. But being tough skin and broad shoulders, that didn't bother me very much.

Mr. President and Honourable members, you will have read the various attack made on/that Thursday's in the pseudo paper by the pseudo reporter/writer, combination. He called shame on us for wondering that people go back to sea. He reported me in a most virtuous manner - out of context - nothing/was said of him prejudging sentences, and nothing was said about the following year. I know the man wouldn't like it. Because he has not on several occasions in close quarters, and he has shown his dislike. If I were to them later too. But one particular time was in the court a few weeks ago, and he brushed into me, and never even said excuse me. That is common I have on several occasions spoken out against the type of people we bring here. And that I will always do. I've always said that we should be careful, when we allow so many into this country - they should be processed. And let me say I have nothing in this world against any Caribbean citizen, from the white section. I wouldn't query his - but that was I have now changed my mind about. If he is under forty-five, and he has gone through the university - I don't want to see him here either - because that university is a hot bed of black power, and militancy and hatred - and you seen it, it is there. And we don't want any pseudo reporters coming here, to spread viciousness in our one paper.

There is nothing, in my opinion, to be ashamed of in going to sea. The/world's greatest men were sailors - those ships and got most of our fame - from our navy - was navy. And indeed some of them are immortal - names of the brave will never die. The only thing I would be ashamed of - if I took a job - would be if I were in his position - where I wouldn't have short hours, and I couldn't make a decent existence, and I wouldn't put a paper together decently. It is the one paper that I am ashamed of - the one here reader. That I really ashamed of. Everytime I go to Jamaica my friends on the right pull my legs about it - they literally tear off my eye - it is not a case of leg pulling - it is a case of leg tearing, and I know it is all in fun, there/ for us to laugh. That is what I would be ashamed of. - If I took on a job and couldn't do it efficiently - if I took a man's/ out of work, one would not find the next one - I would be ashamed of that. Running a paper the way that paper is run is something, in my opinion, to be ashamed of. If/ correct me here, he takes a few notes and he is not again. It reminds me of the day/ And the first things I did around my house - they fly round and get a morsel of food, and they are all worms. That is not journalism, in my opinion.

But I hope that the general public has enough sense to know that I have enough sense not to have expected the Caymanian policeman, who has joined the force within the last three months, to be a qualified policeman. I don't recount that kind of impossibility. I never knew when I spoke that we had had some thirty-five or forty - we recruits trying for the police force. Truthfully, I knew only of six or eight Caymanians and three Cayman Brackers; before until the day I went to court and listened to the three cases. I never knew that we had a Cayman born lady, as a police woman. So that I never knew that they ever had more than these seven Caymans, and possibly eight Caymanians. And I have quite a lot of respect for a few of the Caymans out there that I know, and I think that in speaking that day, I hit correct on the ability of the two in Cayman Brac.

Capt. A. A. REID (cont'd.): who was is a Cayman Bracker, and has been there for sometime, but I think I did see that he was keeping much better order, with fourteen hundred people, than there were keeping with one to every one hundred and thirty people. I also remarked on the Cayman Police Force, which has one policeman for six hundred people, and the Caymen for four-hundred and forty.

I said then, and I still say that forty good trained men would do a better job than the eighty we had; I still say that. I said that would that fifty English men would do a better job than the one hundred we have. It is coincidental that I have the same words in my blood, in my system that I said sent the navy back to war. I should have said send our policemen home because that is in fact what I meant. Or send them to catch flying fish.

In October, when we had the Commissioner of Police in the Committee room, I was the very first asked him the simple question who makes up your police force, where do they come from. And he told us the majority of them were from Barbados, a goodly portion from Antigua, and the rest were Jamaicans and a few Caymanians, and that/what I thought wasn't right. I don't know if there is anything to be ashamed about going to sea - from these nationalistic birds that are coming up - these foreigners that came to our country who are telling us what to do. I was a sailor for fifty years, as I was at sea for fifty years - I was forty-six years a master, and I believe that my life has been as much of a success as any police commissioner that ever came to this country, or any Governors in the Caribbean, or for that matter, any Commissioner of Police in England. I don't think he has first any hassle with his life. It's a credit to us to know that we are second - it's good to know that we are known all over the world as good sailors. And I don't think you can inflict a fate any worse, than to put him in a position he is not properly trained for - then expect him to do a good job. Up to just a few years ago, our greatest source of foreign exchange was from the sea we had at sea. And today we have men from Cayman from engineers and captains that I know are drawing between fifteen hundred dollars and month, and rangers and chief engineers up to twenty-five thousand per year. It is certainly nothing to be ashamed of in trying for that job, anyone of our men who can go to sea, and earn twenty or twenty-five thousand dollars for the year, I would say is well placed. And we have at least two Cayman Brackers today who are masters of America survey ships. That job is worth at least twenty-five thousand a year to those men. So I am not ashamed to say that we could go back to sea, but I didn't mean it that way. I didn't mean to send everybody in Cayman back to England (also - sea), and that is what the people has programmed to say that I said - that would then all back - that as an instance that I meant to send everybody out of the Government to sea, and let English men come and run the Island, that is stupid. It's a vicious attack and I hope that an lawyer can pick something out of it, and if he does I will't miss them. I'll teach them a lesson this time.

Now Mr. President, I still have some more to say about the police. Every meeting that was ever held in this country we now last ten years, since I have been coming back here the police have been criticised by every person in this house. And they have been bigoted critic and in the last two and half years that I have been here. But it has been a pre-planned about the police not doing their job.

Capt. D. G. SBCA (Ret'd.): I don't go around asking questions, but people come to me. A lot of Organizations have come to me, why don't you do something about the police. What do you expect me to do - don't you think they are alright - or they are after chasers, run drinkers, and they are very mixed up in gangs - that is what is said in the street. So what you expect us to do, come here and keep our mouth shut - that is what we are told to do - that is what our Constituencies / to do - to speak out about these things - they can't come here and say anything - or we are supposed to talk for them.

But Mr. Premier, I know nothing about their morals - they may be - we will about the children they have - I know nothing about their morals, and I am not concerned with. their morals - I think/men's private life is his business. All I want to see is a job well done.

One the biggest issues I have with them is the swanning on the West Bay road. Only a few weeks ago, I was standing at Will's Corner and one car here - and four cars with him. And I saw these cars racing about ninety miles per hour trying to overtake each other. And it could have been a serious case if there had been cars coming North on that road that day, and that is what I am saying that speeding should be stopped, and it is the police who should stop it - it is the police who should wear the Agnes Fisherman shooting power Lucifers, and catching lobsters in the off season.

You will notice Mr. Premier and Honourable Members, I brought no witness to the House this time. And the reason for that is after the intimidation. I have to myself on enough legs on the stations cases, what we need is the infrastructure to carry out these laws. The Editor stated George Town, surely the police should know that they have a crime in that matter. The police in other countries know it, and they act on it too. If you are driving in Cumana or walking in the streets and you drop a match box at the moment, it would be one hundred dollars, if a policeman saw you, and mind think even you were already it. No matter how it might hurt, how poor you might be, how much you may plead it would be a hundred dollars fine. And until we see police we know their job we will always have the litter, we will always have the dirt around town, its a disgrace to see a little town, the Cayman Team of filthy. And anytime you want to walk on this/God's land or Cayman Islands rest on the side. Why they come in on private property and do the same thing.

We have a man in Grey Harbour saying private property, children at play, drive slowly, but that doesn't matter. They come in and I was told by the new building, the road that need that a car skidded - he should go the church - after he got inside at the gate, and leaving on Andrew Road, he skidded and the dirt was God, cut six inches on the side, and it turned around. Now that is not more than two hundred feet from where he turned, and I could hardly see how he could get up that much speed, but he must have been coming through the gate a terrific speed, because it is a wide gate. I don't know what is wrong with the people - I don't know whether they are drunk most of the time, or whether that is the word. Or whether money is what it is. But people are afraid of it - the Premier to what he is, or we should be referring to. They are afraid to walk on the West Bay Road - its a hazard to some life to walk out on that road. When you have a car swerving by at ninety miles per hour, it puts the fear of God in you. If you are walking or driving - either one, and it should be stopped.

Capt. A. A. Right (Nominated): And Mr. President, there is no road in Captain Cook except and good enough for fifty miles, in my opinion. Maybe from Brooklyn to Port Ivd, yes, and the cross country to North Side. But I say that the speed should be reduced on the West Bay Road to forty miles per hour, and it could be lifted on School Road, Walkers Road, Frith Road and Crewe Road to thirty, that is what it is in the city of Kingston and Port of Spain, Trinidad, and I think that twenty five is a bit slow. I think those roads could be lifted to thirty, but the West Bay Road should be put forty, because you can no longer consider the road as that peninsula a high way from George Town to West Bay. It is a road going through a highly inhabitated area, densely inhabitated area. Not only the tourists, but with local people people who live there. There are many industries living on that road, and there are many businesses living on the road now, and everybody lives in Grand. There is no question about it. The speed should be reduced to twenty-five so that many/kept there.

The schools Mr. President and honourable Members. I agree that a lot has been done to the schools. But I feel that a lot more should be done to the primary schools, because the primary schools should be feeding better material to the high school, and it is my belief that the comprehensive, which is a failure. Because if you take a boy at eleven because he is eleven he has got to go to the comprehensive school, and he can't read and write - he knows the school book - the top boy that is coming down to the level - that is the upshot of it. But if you have better material in the schools, you'll have a good high school - then you could have a Government owned an industrial school; for those who have a natural need for carpentary, or engineering, and is not academic, that in my opinion is the answer to our problem. But there is certainly nothing wrong with our buildings, these are beautiful buildings, for which we can thank the British. But the school grounds, and this is nearing no criticism on the teachers, or the present Inspector, because he inherited it. - I think that the school grounds is a shame, a disgrace - looks more like a dust bowl, and I was ashamed: I was hoping it would have been cleaner on Tuesday Mr. Duckworth is, but I am afraid it wasn't.

When I went to school there were thirty boys. I think thirty-two or thirty-three girls in the school, and every Saturday one of the boys had to clean the yard, and every week the girls swept the school rooms. But we saw to it too that we/ they did not have to clean the yard. We did not let them make any dirt for us either. But I can assure you that when our turn came around, if that school yard wasn't cleaned up the headmaster would only see, and we boy was not big to get a whipping either. And I don't know how the school board tolerates it.

I must say a word for the hospital, because they have been taking a beating for the last almost two and half years - and I think that the hospital has done quite well, and is doing quite well, and I've talked to a lot of patients who have been in there - even of them Canadians, and they were quite happy with the treatment that they got. And certainly, they are accustomed to good hospitals. I think we are very fortunate because we have quite a few good doctors there, and I know that we have an outstanding surgeon, and we also have their very good private quarters in the Island today. So I don't know what all this fuss is being made about the hospital, and about doctors. There is one doctor who recently came to the Island I think who works with my doctor I have ever seen or met. She is a first class doctor, and there are those other/ private doctors that I know of.

CAPT. A. H. SEIB (CONTD.): So I don't think we have too many grouses about the hospital, but there are some people who would certainly kick in a hell game. They never stop kicking, and you're not a good member of the House - with the sovereign Opposition unless you're backing the Government - backing the establishment and finding fault of them - then you're a good man. You're not supposed to use your good judgement - your better judgement and know when is alright. We can't do any better right now - oh no you must get up there and criticise the Government, and you're a good fellow. But I have always had the courage of my own convictions, and I live by them.

The person Mr. President, was one of my Jackson boys - an Irog spoil don't remember) - a year and a half or nearly two years perhaps - might have been the second session that I was in, or might have been the third, might have been the first - I don't remember - but long ago I brought up that matter - too long ago as I said, I don't remember. But the Governor himself came to me and asked me to withdraw it - not I did not withdraw it until I made my point - because I think it is most important - I think it is cruel to send a man to prison in another country - even the Russians don't do this - they merely them to Siberia. But Siberia is a part of Russia. The French stopped it long ago - years ago - sending them to Cayenne we have no right to send them to Canada, and I think it is a burden to the Jamaican Government, and I think it should be our/our principles to build that prison as quickly /possible, even if it meant scrapping money on the Caribbean road - for stupid people, and drunken people to terrorise other people driving big automobiles at ninety miles an hour, not leaving gasoline to fatten the Arabs.

Last night I read that the American Government is going to clamp down on speeding - it must not go more than fifty-five miles per hour - and God's sake they will enforce it.

I have spoken many times about Inflation, and I intend to speak again today. I know that the shop-keepers don't like to hear it - but I can't help that - because I hear it from the housewife to whom we are catering. Several of them told me that within the last two or three months - they went up to Tahiti and for the same passage and yet have more money, because of the prices. Now I know that our prices are too high because this last trip I had to Canada - I took the trouble to go around to the stores to get prices - unfortunately I didn't have too much time so I've got to speak on it - I've got to speak from memory - but one particular item struck me - struck me very forcibly, and I brought the evidence. With bottle of pimento-pepper is sold in Canada for sixty cents - Mr. President, and I know that the housewife here can buy that Pimento-pepper for not more than twenty-five cents per bottle, and the cost of duty does not exceed fifteen cents - the duty and the handling charges twenty per cent - it does not exceed fifteen cents - remember that when the Merchant is selling this for sixty cents - is he paying excise tax on it - then I have one here that came out of a local window - now dollar and three cents. Mr. President, I have another - one of a store here - now forty-five - now somebody is/thief - is somebody is a fool - if the man selling for a dollar and three cents is surviving - then I say the man selling for a dollar forty-five is becoming a millionaire fast.

Now there are things that cause big - considerable discomfort in America in the Summer months - you go up there you rest at apartments, and you have going to feed yourself, and you run across a condition like this - it will certainly make you wonder your head, and stop to wonder what is wrong.

MARY A. B. BELL (Jamaica): Then I have like fifty/fifty cents - bottle - bought locally, and another forty-four cents - against my - see Miss Lamie - look at this one fifty-nine - what a disparity - Mr. President, Libya withdrawal from the Argentina is sold in Jamaica for a dollar a pint, call core stores ninety-five cents - its a dollar eighty here - I am now advocating that this Government should set up a board to control prices - but what I am suggesting - that this Government with some of these powers did you have - I could name quite a few that could write a nice letter to the public - to the shopkeepers, and tell them - if they don't know it that they are selling the goods - they are killing it fast.

We don't negotiate, as I said before the Council of Prices, but we could ask them people to think of the public a bit and look at how the Americans, and Canadians and English - Yu being here as tourist - how they feel about these prices - because they'll tell you there only/cheapest they have ever seen - one instance sir, that Jamaica pays forty five percent duties on English goods, and fifty-five per cent duties on American goods, are think of what this Government is doing - some of our foodstuff is in there, and the majority of it is twenty one cent - so there is no reason why our prices should be at such a disparity with the Jamaican price - and they are screaming now about the inflation.

I have to touch on - I don't know about its - why did it - Cayman Fisheries Board - I believe - the little trawler that was bringing fish in here, and selling it cheap - where the poor people could get fish cheaper - the fishermen/did not interested in shipping it - they wouldn't ship it - they didn't want to ship it on trawler - their business is lobster, not they do catch fish, and quite a bit of it - along with the lobsters - so they planned it and got it up nicely, and if they were selling it successfully enough, but they stopped them, and now they are selling it out in San Andres, Colombia. Now Sir, I want to know why are we persecuting - why should that lobster boat been stopped bringing fish in here - we had five or six fishermen here, but they are several people - sometimes you can't get fish, and if the poor people could get fish at a cheaper price - let them have it - who are we protecting - but I am not a - once that - were protecting the fisherman - because I think the fishermen sells his fish to the stores - to the supermarkets, and therefore we are protecting five or six people while the community - as I see a problem.

Now just to show you the difference - I have seen the Canadian Government send a deputation to Portugal, Spain, Norway and Iceland to get the prices of codfish down, because the Canadians weighed the price on them, and they refused to pay it, and they spent all those money sending people abroad to get - and they got it for about two or three cents per pound less, and that is how it should be - its the people that we have to look after - what is best for the most - not what is best for a few.

Now, I have to say a few words about the Ombudsman - I am a bit worried about the expatriates - about a clause that I see drawn between expatriates and locals, and I've been trying to think what we could do to get them to have an equal chance - I said to a friend the other night - you can't speak a dog - and unfortunately there was so much noise and noises, one could do very little relaxing, but I do feel a bit carried about it because the word Englishman is a nasty word here - unfortunately - for instance when I said Scots Irish politicians now is no better - not a word was said about that - because there is not quite as bad a word - as Irish Englishmen.

Capt. H. A. Burn (Cont'd.):- But I have for a number of years in Trinidad, and in Canada and Puerto Rico, and the elite of Trinidad and Jamaica mix with the English, Canadians and Americans without any problems - when I say the elite I mean the doctors and lawyers, and the people in politics - I never heard anything about Italy - I never got that feeling in my life, and I do wonder why it is here - in Jamaica the English went with Jamaicans or all classes, and - well Dollie will see - they're so many, and the Jamaican was proud of his British heritage - very proud of it - as a matter of fact when he was going to England he always talked about going home to the old country - and that is the spirit - of course I know that the plantocracy brought the Indians there, and it was kept up by the fact that Jamaica, and Trinidad both were shipping Cocoa - shipping bananas, and the banana boat went once every week, two or three - now with one hundred and twenty passengers, and with twelve - so the contact was never broken - and I can say to this day - up till last week I was in Jamaica - that feeling of nationality still exists with the Jamaican elite and the Indians - its only the rag-a-muffin - I don't know if you meaning it that word - but he is a no good; in the street who is against the establishment - who hates everything in life that is decent and clean, and hates you if you've got on a clean shirt - they're the only people that are against Englishmen - but of course Cayman never had that connection - after the planters had become left us, our contact was practically broken with the British, with a few rare exceptions where a few of them have gone to England and lived - so that I think is the cause of it, and I would certainly like to see Cayman to belong there together, and I would suggest to the Caymanians that they don't talk too much and be careful - if the Indian they take to their bosoms, or in the presence of anybody who may accuse it. I will criticise a Caymanian - if I don't like it, I don't want to hear my Englishmen doing it, and I don't/want anybody an American - doing it. - That is my prerogative, but it could do anything - and I am very up to bring them up-to-date - I still - and I think it is a worthwhile cause, and I think all of us should put in a word now and then, and try to wrap this stupid talk that goes around on the streets.

Mr. President and Honourable Members, I think the Caymen were brought as two very good lessons - they taught us one that we should - follow - but they've thought us one that we should follow. Now, I know quite a bit about the Caymen, I never lived there, although I bought land in it there and - two, but I furnished out to. But the other Government did everything possible to discourage tourism, and they were certainly successful with it. When I was there in '21 there was one little wooden hotel - Colonial, and it got burnt down in '22, and it was rebuilt in '23 I think, and it certainly boomed in the last forty years - well we all know when it stopped boomin - when the new Government, with the new policy and block banks came in.

They - I know the Americans to build here, they allowed them to build apartment houses, they allowed them to build hotels - build a big business in Freeport - they allowed the Americans to come in and put their money in - they couldn't do it - they had to go some to know what they could do, and what they couldn't do, and the only thing that didn't permit them to do was to run ships from Miami to Jamaica, as it was a share in competition, and that was reasonable. When I applied for visa, or recognition to go there and live, they told me I could come by all means, but I could not run my ships from Miami to Jamaica, because that trade belonged to Kelly and Company, (Simons Ltd).

CAPT. A. S. [illegible]: That is fine enough too, but I could run from Jamaica or Trinidad - I could bring asphalt - I could do anything - run to anywhere else - I thought that was very reasonable reply to my application - but they want further than that to make the American happy - because - it don't know if any Americans are listening up there! - but they know both the pound exchange - they don't figure it, and when you tell him his dollar is only worth eighty cents - he gets hurt - he does everyone over it. - Imagine for a little country, and your money is ninety and twenty cents against mine.

Well, the Bahamians converted from sterling to dollars; they made their dollars ninety-eight cents or worth ninety-eight cents American, and Canadian, which was a crazy move, and I have always said that if I had been here at the time, and I had been put on that board, that is what I would have suggested, or atleast don't call it dollar, call it ten shillings - but it is not too late now to do - because let us face it - tourism is a big item to our money, and it upsets them; I can assure you - they make a big mistake over it - and mind you, we could say to the banks - if a man who has got five hundred dollars - give him credit for six hundred - that is your five hundred dollars forever back - it can be fixed at par - even now with a little thought - that our dollar could still be fixed with the American dollar- at par ; because the bank will give you credit for/you have accordingly. I don't know how many of the Members sit with tourist on the West Bay Road, but I mix with a lot of them - I see a lot of them - talk to them and this is how they feel.

The Cadastral Survey - the Member for West Bay was mistaken in his presentation of the Cadastral Survey - well I did vote for it - in the last stages of it, and I think it was the very last that ever happened on the Islands, and certainly, it was a good thing for Cayman Brac, because it put some money there - it employed people who had been unemployed for some time, and they did quite well, and I think it was money well spent. I only can deny the fact that we always get trouble over land , and we would rather do have nothing, and a lot of money would be spent in the future on law suits over land, but we got that Cadastral Survey. There is nothing wrong about us paying for the legal help, because we're getting the benefit, and we're getting the benefit of the experts, and the surveyors, and some of our boys are learning something about surveying, in the meantime.

I must not pass up the Caribbean Utilities. Mr. President, we are paying the highest rate for electricity of any country on earth, and don't let them kid you about that - if they were even up for an increase - I know its future I mean; that if my vote can help it in - it certainly will. I was talk to a Shareholder in Cayman Brac that he never had such a good return on anything in his life - and he said did you not say there - oh what a mistake you made - I wish I had ten times as much - he said I never got so much profit out of anything in my life - I said yes at my expense.

A year ago I was in Canada with my wife - she was sick for one month, and I came back - my bill was thirty-six dollars - extra light was turned on - just as the law just determined - exactly, but I had to pay it - I disputed it, but I had to pay it - that alone calls a halt - but there is no question about it - I heard the Member for Bodden Town [illegible], and I think he was correct - its usually three times as high as it is in Kingston - I can there airconditioners in an office like and ten hours a day for thirty dollars a month.

Cllr. A. A. Weir (Chairman): We lets hope - let us sincerely hope that Caribbean Utilities is satisfied - they held us over the barrel the other day - last year in November they hold me at ransom - I know one man who suffered four months hard time in his rental just because they would not connect up his meter - our test they wouldn't it was proven after - because long before they installed the generator they were able to connect it - it was a matter of holding it for the price.

A Member spoke about child welfare - he expounded on it - I began to feel that I was in more socialist country. I can't agree with turning this country into a socialist country - not yet - but it is one of the things I was thinking about when I was condemning the importation of hundreds of people whose best asset is the reproduction of themselves, and they make children here, and probably have gone away and left them; that is what I am against - I never thought at any time in my life about Cayman becoming over populated in fact in the sixties in nineteen hundred when I was/[illegible] and in nineteen-seventeen or twenty-one when Rhoy/Rhyder came I thought to myself this is the end - we're going backwards now, and we did for a while, but today there are certain sections of it is over supported with unwanted children - now it is not too early for us to think about birth control with certain members of the public - I say if a man or a woman, or the two together (it takes two to tango) if they have children they should accept it - they should not have more children than they can adequately support and educate - its a criminal offence or should be to be spending children that you have no intention to do anything for - and cancer. The public to feed them - or if you go off drinking liquor and carousing then - its a full house - it should be used for that - that is one way of alleviating this. Let us as politicians take no mistake about it - let don't get to the same trap the Caribbean is in - because that is their problem - birth control should have been introduced in the Caribbean one hundred years ago, and it should have been compulsory - that is one of the big Caribbean that is the root cause of their trouble.

The Member mentioned the rural industry - on the home - appropriations for spending so much money - we have to spend money on the hotel industry - if we want to be prosperous, and progress and be some thing that can grow or reverse - can give us jobs - so that the mothers of these unfortunate children can find a place of work if they're not educated sufficiently to get an office job - at least its employment, and if our hotels were to close up we would find we had quite an unemployment problem, and I certain believe that if you're going to help anyone help him to get a job where he can be proud of himself, and/[illegible] ashamed and embarrassed over accepting gifts and tips.

When I was a boy we used to have a few people come around there, and they used to ask questions and that sort - my father always told me if I ever take a tip from him or anybody else - that makes you inferior, and don't you ever accept a tip - you don't need it, and don't take it - that is the spirit that we should - I have. So while I am in sympathy with any child, who is destitute, and would certainly help him - I am not in favour of getting up here and suggesting to the people of politics - that this country should take care of all the children - these reservations and a great many of that Counsel here - should pop up in the bushes for us to support. Now, I am not the object of a vote - I am not going to say that - in fact I am voting against it, and let me just have to think of it. I said in this Chamber many a time that I was ashamed of why you brought here. and I said too that if you take my advice - a long hard look at the situation - and I know I am right - and I hope that history will write it in the history books - that Bird was right.

CAPT. A. St. Brin (cont'd.): I said I would go to the Bureau, and get people that were placid and quiet minded and hard workers, and I think that Jamaica has reached, as I known them - Bermuda are the best behaved people that I have ever seen in my life - in all of my travel - I have never seen people like it - and they use them in the Bread in the Winter, and they look like the Trojan horse - they grow like a horse when the season is over - in the Summer Chair Lab is to please everyone, and work hard. Now I am sure they wouldn't be leaving children behind for us to support, and it is not only that Sir, but the Caribbean - I know the world has had trouble - I ever now would how many of troubles, and still having it. America has always been a workers country - so they go in accordance to that - it will always be - but they have got two hundred and ten million people in America, and you can go in power of America today and your house open. - they don't even hear about - they can't even read about it - they never hear about murder international - that is in the big cities - confined to the big cities - New York particularly, and Chicago - you don't even refer to it the mid West - so that is not the problem here, that it is here - I know that the Irish have been violent, and everything like violence, but they have a case on point now - they've been enslaved - their land has been taken from them - and I believe that if it was given back to them it would stop - I do - and the Irish have been violent - the whole world was shown some prayer - but the Irish have a point now - the Irish want their country back - they want it to be the Republic of Ireland and that is their point - I am not agreeing with them - I can't understand it the answer to it, but I am only saying that is it - but I would like to know who has the answer for all of the violence in the Caribbean - when you look at a little place - the Dominica - one of the places that I may go my I would like - I liked it - I liked some of the people that I know there - and a little place like Grenada, and Antigua, St. Croix - some of the most beautiful beaches that were ever conceived - were conceived - for no reason whatever - senseless - wheelless senseless murders, and by whom - by black power - which was imported from America - it came to Jamaica from America - it came to the Bahamas from America. and now Trinidad - Trinidad - anything you see him with a man on his head - that is one sign - that is the incognito, and the anti west is wrecked - so what I speak about that some people don't like it - I know - but I have a reason - I have knowledge of the situation - if the remainder of the Trinidad navy hadn't been on alert and sent down the straits from Venezuela and blocked the route - if that army had/although they would have murdered everything in Trinidad - everything that was white - every person that was wealthy - that was their intention - the papers have said that - all their speeches were for that - but be assured that - precious that was no room to pass - look at what happened in Tobago - people were murdered out there - the Prime Minister - Abbott Burke - I wouldn't be surprised if some that were not when they had the riot - we don't want that to happen here - this place when I was a boy - I never heard of house breaking stealing anything - we never had a key for our house - we shut a door, anybody in town to keep a wild cat out or something) - I never heard of any theft in Guyana - never heard of jails being sent in Guyana until the expatriates - these rich men came in here - they are the boys that introduced it here - I don't believe our boys would have gone as far as - I know we don't know your's fully - so - these qualities rest/in the people we bring here - why shouldn't we be afraid of that - why shouldn't we be sensible and stop it, and take every effort - and I say it you might get caught - I don't care where they come from - they should not through the Labour department with a clean police record - but people we have been careless about/- we have been indiscriminate about it - some of our own people have brought them in here -

CAPT. A. D. REID (cont'd) They've come. They've told them they can count - we'll give you a job when you get here, and your money is at work, and you/file otherwise I'll send you home - that is good, great is the problem.

And Mr. President, the one thing that worries me - as worried me quite a bit - has always worried me, and I am sorry that you didn't come to this country four years ago - because I know now that you are a man I could talk to. I hate saying it, but I wouldn't talk to the other Governor - and I know how I felt about Saturday, and its all behind me - I could call the names of twelve people I kept out of trouble by telling them - I wouldn't put my money there - I couldn't say anything outside of the House, because I know that Joan Doody would have put me in the Court House. If I had called his name, and said, in front of me I am the only way I could have solved the name would have unfavourable to him. I feel Mr. President, that every effort should be made to bring back that scoundrel to this country, and let him face the music. It is my belief that he came here with this plan to collect money from people of whom it is now quoted it is to squander - up to two - group A. and I can assure you Sir that the Montreal papers were full of it. It takes you months to read it: I remember when I was reading it - this stuff is unbelievable, when will be the end of it: how far will it go: what are the repercussions going to be like: how much damage are we going to get: I say the New York papers were the same - I have relatives in New York, and I pray that in Canada, and I got the papers - so I know we got a black eye, and if this man had had any decency in him - if he had not been a crook, we would have stood here - I've seen people go in for bankruptcy - several people have gone in bankruptcy - in my view in the different circles I have lived, and they stayed and fought it out - I was involved with a man who went in bankruptcy, and it may take longer for him, but he stayed - anyway he wasn't scoundrel - he was in bad - not - may be it was bad management, but I got back about fourteen shillings in the pound, but the man stayed honest, and the Government won't is over, and gotten it.

Well, if I were a creditor, I would love to see Rosen come back to this country, and go in gaol, it would give me that much pleasure- it may not bring my money back - but I say - if he is in a country where they have extradition - put him back and let him face the music - if he is in some country where they have none - they have a good old law like the one who kidnapped Eatons - and put him to bring him home. The man should be ashamed for his chronicity. There are some people in this country that were hurt by the case - poor people who had two thousand dollars - five thousand dollars - one build estimate now took everything by bad theory - one captain who / worth six to eight hundred thousand dollars - the man was spending just ridiculously: twenty times as much as he was earning - any fool should have seen it - I saw it and said Sir, and said if medium size men like him Woolworth Rockefeller and Birkwell Frank and so on - you can't spend money in that fashion, one way or - I know all his well: you put your life blood in a business and sometimes you find it hard to show a profit - our boy Ken was throwing money around - he was crazy some times - but there was reason in his madness - he was buying goodwill - but it would hurt me if I was a subscriber to his institutions - to know that he is in Acapulco lounging/[illegible] and drinking champagne - while my money went down the drain. There is no good in talking; nonsense about him coming back home - he would get killed - won't it he does that is alright too - I think it would show the country to - I don't he's got a right to escape - and I think it would give one and all - the world in general - well Sir, I can't tell anymore right now, I can only at

crap. As Bobby Kennedy [illegible] - if they brought him back and made him pay the penalty - it would teach the next one a lesson - but then I don't think we should read that lesson - I don't think we'll let that happen again. The man went out and had a big game the last night he was here and signed a chit for it knowing quite well that that party would never get it again - and two days earlier he lost he took a lot of money from one party - some five thousand dollars - knowing that he could take it goodbye - he is a criminal of the worst order. If he hadn't been - he would have stayed here - why did he run - he had it all fixed up - and you know how I estimate him - I figured he wanted to pay taxes, and paid his debts more than he should have paid them - he inflated liabilities and then he stuck a pin in it and it fell flat, was left with - but he wanted about fifteen million dollars on buying goodwill - for fixing up his image - the little Jesus - and then he wanted about fifteen million on bad investments - and I believe he got the other fifteen million right there where he is today - living on income. And what I can remember the Jailhouse - that was dead - too bad that he won't see the press - for bad that the press isn't capable of printing anything - they can only get/from the White

Mr. President, I know at [illegible] six people, in New York and Toronto - we all think that the same thing that Geyser would do is to make an effort to bring Bronfman back - and one of them is entertained - he had four hundred and ninety-two thousand dollars there - and I couldn't help but say to him one evening in my room - how did a man with all your intelligence - because I know you are intelligent - how did you get mixed up with a man like him - how could he pay them or five percent more interest than anybody else was paying - how could he borrow money short term and lend it - long term - and survive - how could he pay eight, and a half billion people at that would be twenty-five or thirty years - it will be thirty years before - may be fifty - if you/Government's Bertrue it is it - it will take thirty years to develop it - the population isn't here - well if you can't develop something in ten years you are in trouble - and even that is too [illegible] you've got to plant for.

Another important thing Mr. President, is our construction. Where are we going to get back from - now we have the ecologists crying to tell us that everything we think about - everything we do is wrong - they stopped Alaska but drive the people lunes from Alaska - I know that was wrong - but pretty soon we won't have any wood to put up a hot dime - our beaches will be destroyed - people are standing around all about - I don't know what the Government is doing about it - but I know that there are several hundred thousand tons of wood in that God forsaken - and it is my considered opinion that that wood will have to be pulled out of the mud and sand - or South Ground is Frank Sound, or Red Bay - Bodden Town - Where there is plenty of sand inside of the reef, and the same thing is applicable to Cayman Brac - in fact here is almost worse. Some enterprising person would put a barge and a tug and they would cut it [illegible] I'd better call it Thomson Village - because look. Even now ask if I call it South Sound - our trees are a million ton of solid there - when I was a boy the bottom was eight feet deep - today it is not more than five - so that pond has come over from the sand - the goose grinding continually outside, and the sea bringing the sand in - and there is no harm in taking it out - of course - I don't know what the ecologists will tell you. They may tell you that the beach here will die if you pump it out - I don't know.

CAPT. A. M. BODDEN (CAYMAN BRAC): Hon. Speaker Sir, I think we've got to think about what we're going to think about any further construction, and they are the two places it can be built.

There are many things to talk about, but I think I will leave it now, and let us have some refreshments.

Thank you, Sir.

HOUSE SUSPENDED

HOUSE RESUMED

CAPT. A. M. BODDEN (CAYMAN BRAC): Mr. President, in your Throne speech you mentioned the Cayman East Bluff Road, and you graciously said that by the help of private members, and the Government the road was being accomplished. I am glad that you mentioned the private member in your speech - it's just another thing that shows how fair play you are. There was one thing the gentleman to the premier's right did not mention - he deliberately left that out - evidently I am too much enemy, and the reason why he left it out was because everybody in these Islands knew that there somebody was missing, or my I should say in the other way, good Colonel - my colleague - the other Member, and the Speaker King - we are the three people who worked hard on that road to get it started, and so accomplished what they haven't accomplished in three hundred years, and I am not asking for any credit for it - I am just asking that they appreciate it somewhat, and I was the first one who got money - I got the dynamite there. Everybody six hundred dollars worth of material that started it, but I contend that the three of us, and I did forget to mention the late Mary Bodden in - at least making suggestions, and doing what he could, and that was Mr. George Bodden, Sr. He is a man who has a great interest in the country, and a great boy. But that is not the end of the bluff going across the Island from gody to the other - the ultimate fight is to get it going up through the middle of the Island - to the East End - to the light house, because that is where the cradle land is, and if we are going in to agriculture, that is where we can produce agriculture, and I am sure we might even get some facilities to come in, and get interested in agriculture if our people would - but I believe there are lots of people in Cayman here, who would gladly go up there, because they know good land up there - the question is - how to choose - and believe me to climb one hundred and sixty feet, or a three story - almost eleven - without a ladder is a problem - but it is over there that was hundred and sixty-five feet - because most of the section is that high - and many of them around one hundred - two hundred and seventy - it's quite a work it all, and we've got - I'm sure Football to come down there with a load - yes - I know one man who decided he wouldn't come up - as he knew his game down, and also by the time they were pulverized.

But the money for the road on the bluff Sir, is almost as much of a necessity as the prison - I would put the two of them on the list for the next examination - one in Cayman Brac and one here - we must get the road on the bluff. Even as much as we got the road across we are going to start a little campaign up there to raise money, and even if the people who have land up there will have to pay some money to get it to East. I think - in fact I know that the middle of the Island is the proper place for it, because it is the most fair way - if it is ever developed for a tourist resort, or for rich retired Englishmen - they're going to want to live on the edge of the bluff - near to the edge - and it would be fair to go through the middle - so that a few century hence - then most many have our road, then the main road from the Township on the edge of the bluff - be most

MR. A. M. REID (CONTD.): build his own roads but if you were to put it on the side of the road - either North or South side - would be unfair to the other land owners - so it must go in the middle, and in the middle there is room - I believe nearly five miles in breadth and a mile and a half in where - six thousand feet one way - in some sections you manage at least a mile and a half of land that is as level as this floor - well three or four feet deep - so that is where we can use our good men Doctor Jackson - to tell them what is best to plant, and when it is best.

The Honourable Member for Eddies Town... though I appreciate his consciousness in his suggestion about building Cayman Brac, we only need his help when we put in a motion, and if it is reasonable. It's like him to vote on it, but I don't want him stealing any glory from me, not that I am worried about myself, because it wouldn't matter but what it does look like - I know I am doing my best, and if they don't think so - that's their opinion. I don't want him taking any of the wind out of my colleague's sail, in other words I don't want politics brought in to the House in connection. We know very well that it is only talk. ... you cannot legislate for a man who is making here to open a company, or whatever it may be - unless of course, somebody runs for start a little industry - he'll get better labour up there - that's for sure. But to tell a man he must go to Cayman Brac and open his company - the first question he will ask you - are there any lawyers up there, and you have to tell him no, and he will tell you well I must have lawyer's advice - I must have a lawyer, if I am going to operate a company, and unless we can get somebody on that with a lot of people, and just get a lawyer, and put him to covenant to go there to live - I am afraid it's only wild talk.

Now Mr. President and honourable Members, the other thing I want to talk about is water. And we know there are some people - ... they have their feet in it, but I am one of those unlucky ones - I don't put my foot in my mouth, because it doesn't strike me that way, nor anybody else - because the people willingly misinterpreted everything and blew it up out of all proportion, and things that I have said here when I look for instance ... I speak about water, they say he is getting ... Mr. Norbury ... so much thirst - Norbury is my friend, but I told him he is wrong - I tell anybody when I think they are wrong.

Sir, Presidency, ten years ago or I would shorten it further than that - that's when it started to increase - one fifteen years ago, there was no problem - I never even gave it a thought - water was perfectly alright - but not so cheap. I took a sample out of the centre of North George Town - the best section - the best water that could be found - in the best area right in the highest area of it - furthest from any sewage - and the response I had before we had a water ... - or rather I couldn't believe it - that much - this a year ago and the good gentleman said - please go backwards and have hundred parts of salt - if you continue to drink five hundred parts of salt Mr. President, you will soon have to look for company with a kidney to give you one - no body's kidneys can take that amount of salt water indefinitely. And I said to him ... bacteria perhaps - it must be the best in the world - our line water somewhere, because I am afraid if it wasn't good we would have had an epidemic long ago - be sure if you're lucky this hurricane all you have to do is go boil some - if you boil that water it is safe, it will also kill the salt out of it. But we said - you're quite right that the limestone has effect on sustain beaches, but after a while beaches builds up a resistance. Now Mr. President, it doesn't take Einstein to figure this one out - you can go ... to South

CHAIR. R. A. REID (cont'd.). George Town - for instance Melrose Road - the houses are stuck together there - ten or fifteen on either side - but at least on either side, and one worries about it - they never have it thought - nobody can tell me that the pump in this case is here (I mean the pump pumping the water to the well) - and the septic tank is back down in over here, and the septic tank in the next house is here - it was never designed - it was never thought about - I can tell you that there are wells in this country - in Blue Hills George Town they say that are not more than twenty-five feet from a septic tank - the difference is within twenty-five/of them, and it would have to be planned, and the other man who built the next house would have to go and investigate - dig and find out where the well was, and put his next to the well - so that his septic tank wouldn't be on the other side - but nobody ever thought of it.

I can take you Sir, and show you a building that is housing forty people, and forty people are drinking water from wells - it is theoretically, and practically, and physically or any other objection one want to apply to it - impossible for three septic tanks to be/that thirty-five - forty feet maybe - I don't know how you could work it out - but I have tried - I've put it on paper - the furthest away I could get either one would be forty feet. Now Sir, it means trouble - not today - because all are today is good - but not too far away - sooner or later - tomorrow - we are bound to have trouble there, and I want to know why the Central Water Company cannot get permission to put a pipe line to the West Bay road so that all the people can get water. It is a serious matter Sir, if we were to get an epidemic - one to say in the season at Holiday Inn it would be the most serious thing that ever happened in this country - it's an institution that I don't even like to think about it. Now, we are most careful, but a few times others people are not too careful - I wouldn't drink water from the Coast Club/ to it the tanks that are supplying water because I know they clean, and they do not wash those tanks out, and if they did wash them out that wouldn't be good enough they would have to be sterilized - so as to make it safe for water to be pumped into them and brought to us, and even then I'd hail it - not many people hitting that I am sure.

The way should we neglect the Water District - water should be piped there - there people pay/ me that they are capable now of fifty thousand - they are going to put another diesel plant - they're going to expand to one hundred and fifty, and then they could go to two hundred and fifty thousand - three hundred thousand if necessary, and I am sure the hotels would either buy it via the pipe line and the water - what is the reason for it, are we protecting for those people who / building water - well we could get them a jet in the water plant, but something should be done about it. There is too much at stake to let this thing go on - I have built eleven houses in this Island in the last one year - I have built eleven houses, and with those houses I have built two hundred and seventy-five thousand gallons cistern - one of that have a thirty-five/gallon - all the others have about seventy - twenty five, and we have had - October we had eleven inches of water - Nevertheless we had two - November we had one point two - December we had one point two - January we had one - February we had one point three, and so far in March we've only had seven eighths of an inch - now Sir, if this drought keeps up another two months - as it may well go - Heaven forbid - but say - it we don't get water until June I shudder/think about what is going to happen to South George town - we are nearing near the watering time right now - position - can't manage to long - it's impossible for us to manage it - there are thirteen thousand people - or fourteen thousand people in this island - most of the/population in George Town - most of them taking water out of that water table - all

CAPT. A. A. REID (RETD) (CONTD): Oh between - nobody is making an effort even to dig a well up in Frank Melody where I understand there is good water - but that is too far you would have - it's coming out of that rock, and I can tell you sir, I have tested water just there, and the salt is predominant in the dry weather - now one thing I forgot to say about this water that was taken to Jamaica for testing last year it was done at the height of the rainy season so the water was at it's best at that time - right now sir, the water is at it's worst, and in another two months it's going to be worse than - we don't know what we're going to do - now we are going to let these people sit down up there and pronounce with tests by Government, we're going to give that permission to pump from water in - I mean water in Grand Harbour - I have a twenty-one thousand gallon cistern, but we've had to privately and personal water our plants - I have been lately home twice that I had to cart high ---- dying - going - leaving me - and it's pathetic - I've lost two almonds for the want of water - I cannot afford to water any more because my capital is built wrong, and there is no reason why all the rain waste water, and I said it, and we are prepared to pay for it, and the hotels want it, and they are prepared to pay for it; so who is holding up - so the man in the cave said - what is stopping this hole, and the fellow said well - if this digger's bill breaks off you will know what is stopping the hole.

Well sir, it is one of the most important things where tourism is concerned - we haven't got the hospitals or the doctors to take care of all the accidents that would fall all over-night from contaminated water in either of these hotels - even the smaller ones. I have a garden that is one hundred feet wide and five hundred feet long where I have thirty or forty fruit trees planted - where I want to plant more - I want to plant decorative plants - I want to plant other things - I can't plant anything now, because water isn't there - if I could put water in my property I'd have grown all sprays there - and I would show the people that you can grow trees in this country.

Mr. President, I know that something is holding me up, and I want to know what that something is, because this is not the first time I've spoken about the water problem, but I do know it's getting more serious now. To give you some idea how particular engineers and people - sophisticated people who know these things - who come in contact with these things all the time - the engineer said - hold on what sort of bottle did you put this in - oh! I said it was washed out clean - oh! that's not good enough - I said oh! yes - empty whisky bottle so don't tell me I know that isn't sanitary enough - oh! no sir! they have a special way - a special way of sterilizing bottles - a special method of sterilizing bottles, and apparently what they do is take water sample - I don't know further on they are.

Now, one last subject sir. I have heard a lot of rumours around George Town, of course, it is a native country for rumours, there is no place - I thought Jamaica was bad enough, but Cayman tops, but I think that George Town beats all of them. And I've heard that they wouldn't let any aspect of economy get over it's all this Lindbergh - don't tell me Lady I said no, but now that's not me; if one is going with me I'll tell Lady that she is wrong; - but they said that several members of Government are against the oil transfer station in, Little Cayman, but Mr. President, I know that we are all mortal men - and I don't know that / politicians, you know, I said in Government service - so I am not accusing any politicians, and I would wish not because we all know that our economy right now is not too strong, we need something, we need an injection of new blood, and there has never been a time in our life, that we need this thing now?

CAPT. A. R. REID (CONTD.): Then we do now, because we've got the keys of riches in our hands, and we need money to run this Government, we need money to get things with, and plenty of men need good pay. That's where they could exist - there again it's the line of the sea, and that's where a lot of them could be employed. And I heard from the Bar only last week, by the way - the first day we were in the House, and I told him he couldn't speak to you then - he asked me to tell you - which I did - and I think that Sir - think we is all prepared now just a matter of getting the documents made up, and he is expected here any minute, but I've heard this rumour about as many people in the Government as I need they wouldn't say whether it was Jos, Percy or Tom. But I do hope that there is no ill-will behind the scenes to stop it; one thing I would tell him, he or she - it we have won't even put his foot on Cayman Brac - unless I go there with him, and Trevor on the other side. We might save his life, but I think they'll dump him in the sea. I really don't know who could be silly enough to object to it, because it cannot hurt the Island - tourism for Little Cayman is a joke in the sky - it will never/should - it's up there - and if we ever needed anything it's now, and on the West end of the Island - so we'll hurt nobody - if a spill comes it won't come here - if a spill comes it won't go to Cayman Brac - it will go to Cuba perhaps - I don't think it will even go there - it will go to the Gulf Stream - but they are not going to let it spill - and I'm sure - and they have ways and means of protecting it, etc. There is nothing in the air - may be it will cause a few vehicles to be uncertain - but what will twenty-five or thirty vehicles be - in an Island like that - with a strong breeze blowing all the time - there is nothing - no pollution - one way or the other - and indeed I hope it comes and I hope within two, or three or four years will follow on all safeguards that will be all that we shall ever need in Cayman Brac and Little Cayman; it will be enough for us and we shall be happy to be able to spend some money on Cayman.

I thank you, Sir.

HON. W. W. CONOLLY: Mr. President and Members, I should like to take this opportunity of making a few remarks on the throne speech if we are at the present time debating such.

I too would like to add my words of appreciation for the manner in which Her Excellency delivered the Document which maintained the route of this nation, and I am sure that using the words and the content that have been used there is no doubt in my mind that the future will be prosperous for the Cayman Islands.

Mr. President, I should like at this time to make reference to certain criticisms that have been levied at Ministries and Ministers for which I am responsible, and I should like to start with the D.E.C.D. In saying that I agree with you that we have had to disappoint from the employees, and this I am sure is not strange, as even in this House we do get kicks coming from the other side. Nevertheless, it is hoped that with the programme of physical construction we should see a great deal in the coming year. I would like at this time to make a very short statement in this regard that as far as the Economic Development Control Law is concerned, I think I am safe in saying the word prosecution has never been used. It has been said, it has been used out of context, because in all of this exercise it is a matter of research and control; no one questioned anybody that there was going to be prosecutions; what the unit was set-up for is to study the economic life. It is its research part of duty and to recommend to Government further measures of control.

HON. W. M. MACKLEY: Surely it is an island, and I am told by the experts that eradication is possible, but it is a very expensive undertaking and it would be hard to part with enthusiasm, as we are told we have something in the region between seventy and seventy-five percent of the land mass on this Island mainly, and when one thinks of between thirty and thirty-seven thousand acres of swamp land which is the breeding place of these mosquitoes, one can readily see that with the finances of this Government eradication is a formidable job. I look forward that with the research and the control that is within the limits of our finances that people can live on Grand Cayman with a measure of comfort.

Next, I would take the Cadastral Survey: much has been said about the Cadastral Survey not too much in criticism only the cost. This has been debated before in this House, and I have an impression of young once at, but I think I will agree with the hon. Speaker, the Honourable Member from Cayman Brac in saying that this is one of the best projects that has ever been attempted by this Government because land is wealth, and if we in our wisdom secure the title to these lands for the future generations of the Caymanians, then I think we have been doing them a great service. In this exercise, not only will the landowners synergize, but what is more satisfying is the fact that when these plots of lands go on the registry Government is in a position to guarantee a title. We also had said that this will be the end of us knowing as we have land, we young men as have people are also going to have disputes, but what one is saying is this: that this should put an end to the disputes as far as the titles are concerned. And I believe that if we in this House like what this Government is trying to do for posterity I feel, like we have done a wonderful job, and I am sure that our future generations will bless us for it.

Hon. Members have spoken boldly on Agriculture, and all I've heard on Agriculture is gratifying. There was quite a promise for the development, or the interest that Government has displayed. The policy on the Agriculture concerned in the Islands - the policy today is not as different from how it was, say six years or four or five years ago. The Government had set out a policy whereby this Government sets up a department capable of advising people on types of fruits, types of vegetables, the types of pesticides, types of fertilizers, and what not. And this I think is something that he/she must, as this Government now wishes into at this time. I would like Mr. President, however, to do a little bit of comparing figures on agriculture previous in this Country. We talk a lot about encouraging agriculture, we talk about giving free stuff to produce the cost of living for the poor man; this is very good. But the situation as I have in Cayman today, and a week ago I did a little survey, and I found myself in a position to buy fifty pounds potatoes - Irish potatoes grown in Texas in the United States for the sum of four Dollars and ninety-five cents, and to buy fifty pounds of yams grown in South Side it took me twenty-five dollars. Just to have a situation Mr. President and Members, here we have potatoes, basically, yams grown in the Cayman Islands, and I think most of it greater grown than potatoes grown in the United States after freight charges, after or various duties, after profit mark up has been put on. So you see this is the situation that we are up against here, and I am sure that Members of this House have supported me in the effort of developing agriculture, on the other hand one has to think very, very serious about it. We have another item - yeahs. Locally produced yeahs sell for a dollar twenty five, a dollar twenty-five, a dollar forty-five cents per pound, and here we have had produced in the United States known as Ne nia and sold for a dollar ninety-five cents per pound. These

Mr. J. W. CONNOLLY: Out some of the situations, those are conditions that one has to think about, and while the Government is doing everything possible to encourage [illegible] I would like to say that we don't want to be a penny wise and a pound foolish.

I will touch on tourism because/this is department of/[illegible], and it is one that encompasses all of the other departments as [illegible] Research Council, it touches agricultural products, and this/that - the tourism development in these islands that has been now for several years, I think one of the great contributors to our economy. Much has been said during ours tourism I think everyone agrees that tourism has been developing and making quite a progression over other developments here, and I think the section in the throne speech that raised the point [illegible] and we hope will be kept on the numbers of tourists arrived, and every effort will be made to consolidate and if possible improve the department's success in attracting a flow [illegible] during the last tourist season. Mr. President and Members, there is no secret, and there has been no surprise to myself or the Department that we are looking forward to a lean Summer.

In fact, if I am permitted to go back a little over a year ago - in November nineteen seventy-three we had the first of the world crisis that really affected tourism here, which was the oil crisis. Flights were going well for Cayman at that time; our facilities were adequate, our hotel occupancy rate was fair, and our whole workings for the Winter of nineteen seventy four season quite well. The Winter of nineteen seventy-four which was last year, went on unhindered - the oil crisis had very little effect on that because people had booked prior to this situation, but the Department was aware that [illegible] late Spring and the beginning of Summer we would have seen the effects in the Winter to come, and that May last year we saw a decline in tourists for dealing with [illegible], it was evident. The Department took no time in consultancy, and moved one way of thinking on the situation, and in February reflect the [illegible] budget session they put forward a policy to increase [illegible] in Miami. This was done to assist travel agents in getting flights and many knowledge of whether a person could have a total [illegible] in Cayman or not. This action was quite successful, and we're so grateful, but still to what I may just say this is passing that. I have learned from the Federal have followed suit. This service has restored in Sterling airlines [illegible] more than one way, business that probably would have gone, elsewhere. But let us take the cold facts why do we have a problem in the tourism development in the Cayman Islands we have the power reason you know the point reason it's not the high prices; the main factor is the recession in the United Kingdom or Europe, where are the mainly persons of our visitors come from. Surely, when people are out of work over night or their American people are out of work surely if you don't have money you can't travel, and seems to something else that discusses itself, we just remember that the tourism industry has been hit by to for several years by the airline strikes; when the airline industry was their profiteer to the leasing because it put out planes that really bring them profit, the result was giant flights - planes with two hundred and fifty, three hundred and fifty seats. As the result of that the hotel had to follow suit as the hotel industry had to build hotels if there's five, five, six, seven, eight, hundred rooms - would there be any sense of a jumbo jet bringing four hundred, three hundred passengers into George Town when we don't even hotel rooms for them - no. So what we are left with is an industry an airline industry with three transports, and on the other hand we have a hotel industry with large empty-rooms. Now, these people who decide the issue have to

HON. W. W. <u>MARQUETTE</u>: Make money. And as a result of this what you find is that these large hotels and the airlines get together and they put up special packages, and that's why you will find in certain areas, that's why some airlines say that you can go to Tahiti, or you can go to Bermuda, or you can go to Jamaica, sure you go on what they call an I.P.C. ticket, you go on a group fare where you go for four nights and three days hotel bed included, airline ticket and everything for a number of dollars.

Mr. Speaker and Members of this Assembly, our industry in the Cayman Islands is not geared up to that we don't have that type of hotels we don't have that type of air-lines running into this island so we have to depend on a very select service, a very select clientele, and that is an American or a Canadian, or an English or a German, or any body who has an average income of somewhere in fifteen to twenty thousand dollars a year. This agrees with what the honourable Member from Bodden Town - in his speech a few days ago he said we should not allow these Lock-jawed people to get their hands, and he was right - we have no control over that - thanks the Immigration Department I am sorry to say the Department of Tourism does not encourage that type of tourist to the Cayman Islands. Of course, we have publicity, and we have to be sensible, if someone has an airline ticket, and wishes to come to the Island, and he has money to pay for it and he has to be told that and, or he would like to get whether he has long hands, or whether he has long hair or not. How do we achieve this goal is something that is kept under review quite constantly; we achieve this goal by advertising to a special type of clientele, and in the same media that we advertise in, and we do advertise in some of the better magazines in the United States - the New Yorker magazine - we used to advertise in the Esquire but it has become a list - it is too expensive, and you know you have given us a very limited and restricted budget on advertising, and I have to watch my pennies; so I have to advertise where I can afford. Travel East and Travel West - we do get a lot of mileage out of these articles - like the Washington Post - travel writer was here sometime ago - we do get the Miami Herald, and I think we do get quite a bit from New York - especially radio station W.I.N.E.W.I.V. here - will be carrying something on us, and this is the type of advertising that we do. The trouble is that we are faced with a situation over which we have little control. Such was said about people coming here, and a lot was for fun and they knew nothing about it. I don't know who the Lutheranah was I don't have bodies like my good friend from Cayman Brac but I do have brochures that we carry, and I've permitted Mr. Broadhurst and Members I may read from one of these - this is one of different brochures - and it sets down here: not restricted living hotel plan - the meaning of the symbols - now included in this are the six-me Rates - gratuities - Government tax on rooms and meals - airport departure tax, and all this, are in case service charge made by hotels in lieu of tipping as indicated by asterisk where there is one asterisk here that's ten percent, and where it's three asterisks it is fifteen percent so people do know before they come here - it is black and white, and this is our current rate sheet for winter season seventy four, seventy five, and in this next details - written in bold letters - most hotels charge a fifteen percent gratuity for in lieu of tipping - so any person who didn't know I am very sorry about that, but of course, I don't think that the department can be blamed in saying that somebody was not aware of it - I've only brought two pieces of documents here. These are two that are currently in demand.

HON. W. M. CONNOLLY: Now, let me say this much has been said about the prices, and that we are out-pricing ourselves, and all this. This may be true; I've just told you what happened there. But if a tourist comes down from New York, and he asks for price of Cayman and Bahamas would have said at least/the price for that year in January probably was about thirteen cents per pound; this only one of the items - not that I am quarreling my case for the hotels, but I am/trying to compare figures as such, and I may go a little further than that - there has been a lot of rumour here that the hotels are charging as much, and the hotel rates are as high, and all this so I brought some statistics along, and this was done so that I could be up to the minute on what is really happening. Now, let us take this as some sort of guide as to increases compared to services. Now, the/total expenditure that the tourist has when he leaves his country/to the shores of the airport, and I have told here that the airfares have gone up - from New York to Cayman to New York is gone up nineteen point one percent - that's on a week-end excursion - in the mid-week it has gone up twenty-three point two percent. I take Chicago to Cayman to Chicago the weekend has gone up eighteen point nine percent, and the mid-week is seventeen point five percent. I take Toronto to Cayman to Montreal, and that remains fairly regular with just a three percent increase. Now take the Miami to Cayman in the Winter months seventy-four, seventy-five - the airfare between Miami to Cayman to Miami has gone up to the season to thirty-three point three percent, now that is the first expenditure before the person even gets to a hotel. The second I have here is the taxi because when he comes into the airport he gets a taxi to go to the hotel - taxi rates were increased by fifty percent to all points except from the airport to Hills Lands was increased forty point nine percent - the airport North Bound fare increased by thirty-five point seven percent, and George Town to Savannah forty point nine percent. Then we come on the hotels, now the hotels have gone up in the Winter as you may be aware. The exception is one hotel to hotel increase has been equalled to the new low season: there is only one hotel on this that has gone up equal with the airline increase.

This shows us, Mr. President and Members, that there is a package of increases: not only the hotels, but it is the airlines, it is the taxi, it is the hotels, it is the food, it is the drink, and this knock-on effect that such rises engender, and at the present time with the recession in the United States, people just don't have that much money to save, and if Members have read this Magazine recently, you've seen where in the Caicos Islands they've gone out on a series of programmes showing people in the United States where they can still have their vacations cost to them instead of going over seas they can do right around the world - all of these things are against us - these are conditions over which we have very little control. In speaking of prices, and in comparing your hotels in the area, I feel justified in comparing our largest plant, which is the Holiday Inn with the Holiday Inns Caribbean, and as you know this is nearly a uniform rate - the prices of this - within a few dollars depending on the area, but I have some valuable information on this sheet, and this shows us that we are about as good if not better than a lot of other places. We have a place like Trunk Bay in the Bahamas with a sixty-five percent occupancy this year, and this is unheard of, I'll stand here - this is where people are coming in these large ships, and going to these large hotels, Green Turtle Cay is doing well - eighty-five percent, but over half of this is groups again. Jamaica doing well, but they are the same kind of is jumbo jets jumbo hotels packages - but advance bookings very poor: other hotels in Jamaica - like the Intercontinental is about the same - in Kingston as Members may know a large hotel - the Jamaica -

Hon. M. W. CONNOLLY: Boxell was always rumbly - rumour has it. But the Skyline will close this Summer - no / know I mean it's just a rumour, and it is also rumoured that the Sheraton may close; there is a rumour that three smaller hotels have filed for bankruptcy - those are in the Ventyne Bay area. In St. Lucia where you have the Rex Bay Inn they are running a thirty percent occupancy this year a very poor average. In St. Kitts virtually empty - Sprocots empty - St. Maarten a very poor season - Aruba doing well - Aruba is doing quite well, but as Members know they are attracting a business that we have objected to and we are not catering to - that's gambling - Curacao it's about sixty percent, and those are mostly weekend people. This is the situation around the Caribbean area - I will say this here the president of the Caribbean Hotel Association has publicly stated that he expects as high as forty percent of all the hotels in the region will face serious financial problems leading to bankruptcy during calendar seventy-five.

I thought that I would bring a few of these figures out to show Members that despite the criticisms of the high cost, and that we should revamp our thinking as tourism here that we are on a boat - the whole Caribbean area is in trouble. We have been in Cayman - our Holiday Inn ran fifty-five percent occupancy, seventy-one percent in February that shows us in this business that we have here is still wise business - not any over-rate business so we are doing as well if not better than most places. Of course, Mr. President and Members, I would like to say this that Government does not intend/[illegible] with past achievements. The department realizes that this is the time that we need to have an all-out effort, and via the information if Members I have requested that our sales force in Miami immediately get on the road - a promotion trip that was slated for May has been brought forward to the first of April, this is to boost the Summer trade. And I would like to make one point, and we make this very strongly that these are the steps that we need to put all our efforts, and our efforts in tourism is our sales force our advertising and collateral - those are things that we have to do really out to get the traffic - we have by and in. We have as was stated in the Throne Speech another airline servicing the Cayman Islands - Southern Airline - Southern has a lot connections in the South and the United States, and we are hoping that with their cooperation that we can boost Summer trade.

I would like to say that various steps will/[illegible] be coming/[illegible] this year - this Summer - if things materialize, which I hope they will. I look forward to seeing more cruise ships more over from Grand Cayman, and this should also progress the economy - the taxis - the stores - the dive shops - and the restaurants - the rent-a-bicycle shops - with more money.

Mr. President, I hope I've gone some way to clear up the doubt in the minds of Members that the policies put forth in the Throne Speech has been one that has been carefully thought out, and has been one that has been tailored to the finances that were available to the department. Surely if we had more money we might have been able to advertise more; we might have been able to be in different places to promote - we have to do the best we could with what we had.

Now Mr. President and Members, much has been said about generally on the Throne Speech of this reckless spending I should like to have a word on this. Surely if one set down - the Government here sat down and did nothing - we would have been criticized for not doing anything; it's human nature that when one does something

HON. K. M. [illegible]: ... he is criticised, well I like to be associated with one in two number 400 people something country, and I feel like while one may say that this particular Chamber is extravagant we waited a long time, we were one of the last Islands in the Caribbean to have a Chamber for the Members of the Legislative Assembly; we were one of the last Islands to venture on this, and we did WE took the opportunity of building - I wouldn't say grandiose - I think its ... I says that is well worth it - what can be more thrilling/tragic of your national pride your national assembly where the law of your country - or your country comes from. Surely every country/[illegible] every democratic country prides that House of Parliament or that House of Congress - that house of Legislative Assembly; I feel very proud of this building, and I am not worried about the criticism of being too elaborate or being extensive in spending other buildings here - the Administrative Building looks rather glassy I agree but I don't know how that building will look twenty-five years from now - we are not building for today - we build for tomorrow, and I believe it one is going to do something - do it good, and surely the building that houses the administration of your country should be a building where actually how the taxpayer of the citizens of this country.

I don't think the funds could be termed extravagant; we do have really good roads now - yes that is true, but it was decided in this House, and not by the Members presently on the House this has been of the failings so far as I am concerned away back in the nineteen fifties after the building of the airport when a decision was taken whether we should walk out on education - [illegible] - every Member jumped/[illegible] said we want roads - so surely the people of Cayman want roads, and I've heard it in this House - we want roads so as we can drive our big Cadillacs and our big Buicks, and our big [illegible] Mercedes Benzes we want roads - that is what the people want, and as I said I supported the Member for Bodden if we're going to get roads why put down a road that every time the rain comes you're going to have pot-holes - we do the job good now. The dock I don't see any reason why we shouldn't have a container dock that I have seen on paper I don't think that's any way extravagant any way I hope that the dock we ... to something that is going to be a handy manner - I bet ever it will be - eventhough it might make us a little more - goods and services, but there will be better working conditions for people better handling of cargoes, and it will, too, help reduce unemployment if it's looking down a barge - so simply I am going to support this - I support the dock.

One of the things that I have Mr. President, that Members have said a lot about, and I feel very, very - I don't know the word to use. But I know my observations or all true prison business. I know today that in a society you have lock-ups, you have to have prisons, and I might sound foolish to use an my part and say that I disagree with prisons, but I see it now. I think today that it is bad and I agree with Members - the point was raised in the court years ago that when you were a prisoner from here to Jamaica since Jamaica gained independence that you're actually exiling a person sending him away from your home, but simply circumstances are such we have made no provisions at home to change that, and I would think that we are fortunate that the Jamaican Government is giving that service for us. There is not only that particular service that we have to think about we have obligations with that our asylum seekers that the Jamaican Government is taking care of, and looking after the interests of it is right for Members to help, and to say well all you got a prison up here you got a term, and you let the Member responsible for Agriculture have over it, and you in this, and do that, and all

Hon. W. M. Conolly: that. That is easy talking but let me say this the responsibility of looking after a balance means a twenty-four a day service; it doesn't mean one warden; it means you have to have all of the facilities -it's going to be a costly exercise. It's going to cost an awful a lot, and as far as I am concerned now I am not speaking now with any view, to any policy of Government as I said I am speaking personally on this subject, and I feel very strongly about prisons: I would rather spend thirty thousand dollars on adult education, rather than spend fifty thousand dollars on a jail. This is how I feel about it, personally. I may be criticized for saying so. But I do feel that in a small community where even than a hundred years ago you could trace your forefathers back to about four parents, and today should there be this much problem. Some years ago - ten years ago I was in the Legislature with a population of fifty-eight thousand people, and their full jail capacity is twelve persons. Why shouldn't we in Grand Cayman have that same way of life. We are tolerant here with fourteen thousand people, and you can - as I said less than a hundred - you can relate each family to one another, and why should we go now and embark in putting up a prison service of hundreds of thousands of dollars - why?

It's good to talk about Government embarking on a welfare scheme, child care and protection; it is my opinion that pressure should be put on people the responsibility should rest where it lies, as it where it should rest, and that is on the shoulders of the parents, and it is my opinion that as long as Government institutes any service mean, where they are going to take the responsibility of looking after the children we're just going to multiply that, and we're going to have more and more of it.

Mr. President and Members, it is an easy thing to criticize a Government's policy usually - you don't have to go any dictionary you can pick up any kind of book, but on the other hand remember Sir, that/we've spent a lot of money on development here taken place in the Cayman Islands in the last five years, I consider that all in all the policies, the decisions taken by Government have been decisions that can well stand the test of time. I am sure Mr. President, that/You've said that your about time here you are pleased with the support you've got from the Members of Executive Council: I would like to say this Sir, that as long as I am permitted to be responsible for portfolio of which I am now responsible, I look forward to having a good/working relationship with you,Sir,and Members of the Legislative Assembly.

Thank you Sir.

ADJOURNMENT

Hon.M.T.Jefferson: Mr.President and Honourable Members, I beg to move that the House adjourn until 10 o'clock tomorrow morning.

Hon.W.M.McCoskery: I beg to second that motion.

QUESTION PUT: AGREED

AT 5.40 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. WEDNESDAY THE 22nd OF MARCH, 1977.

PRESENT WERE:

His EXCELLENCY THE GOVERNOR, H.E. [illegible] - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

Hon. D.V. Mathis, CMT, C.B.	First Official Member
Hon. C.E. Pennington, CBE, QC.	Second Official Member
Hon. V.C. Johnson, OBE	Third Official Member
Hon. Trevor Foster	Third Electoral District Member Tobacco Islands (Minister for Inter-Island Communication and Information)
Hon. E.O. Thomas	First Electoral District West Bay (Minister for Education, Health, Social Services and Labour)
Hon. W.M. Woodley, OBE, JP	Sixth Electoral District East End (Minister for Tourism, Lands, Natural Resources, WRCD, Agriculture and Surveys)

ELECTED MEMBERS:

Mr. W.W. Farrington, CBE,JP	First Electoral District West Bay
Mr. John Jefferson	First Electoral District West Bay
Miss Annie M. Bodden	Second Electoral District George Town
Mr. Claude Hill	Second Electoral District George Town
Capt. A.A. Reid	Third Electoral District Savary Islands
Mr. James M. Bodden	Fourth Electoral District Bodden Town
Mr. W. Craig Bodden	Fourth Electoral District Bodden Town
Mr. Frederick Brooks	Fifth Electoral District North Side.

ORDER OF THE DAY

THURSDAY, 25th March, 1976

1. TO BE LAID ON THE TABLE A COPY OF THE CAYMAN ISLANDS

BY THE HONOURABLE T. V. BRITTON, Q.C., JP

2. PRESENTATION OF PETITIONS (IF ANY) TO BE CONSIDERED.

3. BILLS:-

(a) The Currency (Amendment) Bill, 1976

(b) The Poor Persons (Legal Aid) Law

(c) The Summary Jurisdiction Law.

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TUESDAY 26th MARCH, 1975

10 a.m.

MR. PRESIDENT: Please be seated.
Proceedings are resumed

HON. D.V. MATTHEW: Mr. President and Honourable Members I beg to lay on the Table the Report of the Cayman Islands Police Force for the year 1974.

MR. PRESIDENT: So ordered.

MR. JOHN JEFFERSON: Mr. President am I allowed to say something at this time?

MR. PRESIDENT: I think a motion can be put later for debate on the paper at a later stage. But this is simply a formal laying on the table and Members may have an opportunity to debate it later.

MR. JOHN JEFFERSON: I understood you that we will have an opportunity to discuss it later on.

MR. PRESIDENT: If Members so wish.

MR. JOHN JEFFERSON: I would so move Mr. President because I would like.

MR. PRESIDENT: Good I'll take note of that.
We'll proceed to item number 2 on the Order of the Day - continuing the debate on the Throne Speech.

HON. TRUMAN MOSES: Mr. President Honourable members of this House, I'd like to take time to compliment His Excellency on his very comprehensive and informative speech.

Mr. President you addressed quite Members of this House also the public the keen interest which you have so ably applied to your position since your arrival in these Islands. I'd like to bring a few thoughts forward why this was come to my mind. Namely it has been many years Sir since a Governor has visited our various districts as you have instituted since coming to these Islands. This to my might seem a very single formality, but I think it does a lot of good. It brings the link between administration and the various districts a lot closer. I'm not quite aware of how it has affected the various districts in Grand Cayman, but in so far as my knowledge with the people in the East and North Sayman. They appreciated this very much, they look forward to it again, and more so than the constituency. I must say that I have personally taken note of this, that your arrangements were made on your first visit, and so time went on you've set the stage for your annual visit to the various districts of your own accord without being asked by the various members, and I think this is a good feature. As I've said I'm positive that my people have appreciated it very much, and indeed they look forward to your next visit to the East.

Mr. President your speech as I've said has been very informatory it has covered every [illegible] development within the Islands, and as you as well said in your speech you have participated as we on March 1st. Thank again this has coincided with your method of administration since taking your post here. One can very well notice you have visited the various Departments of government, which brings you up to date with what is taking place, and I sincerely it has put you in a much better position as to convey to this House, and to the public of the Cayman Islands what you did in your speech which is true first hand knowledge.

HON. TREVOR MOYLAN (CAYMAN): It has also been said that the private sector has appreciated your interest in the various service clubs in the various businesses etc., and so this shows your humble and polite manner in which you meet people of these islands. I've often said that the Caymanian people can be led, but they're hard to push. I think Sir, just as long as your team goes on if this attitude is continued, you will find that it will work well, and I can only say from my own knowledge that this all ends up to better public relations between administration and public, which over the years has been very well needed in these islands.

Mr. President you've touched on various departments, and from it as well as I know major emphasis has been placed in Medical and Education, which no doubt over the years it has been very well needed. And when I look back to the Cayman Islands in the last seven to eight years one sometimes wonderswhow this government has afforded to do what it has done. Our medical situation is coming up very well, the hospital is being refurbished which is very well needed, and I think every phase of the medical division is building its own energy up, although it's far from being perfect, I can only say from my knowledge that this government has placed emphasis on this department. Lack of the needed services within the Islands, and as one member said, the first thing is health, and I think it's evident, not only members but members of the public can see that government has placed stress on this, and is moving forward in order to give a service which the people of these Islands can be proud of.

Education has never been at an the same level, and although many criticised our Education Department it could be worse. I myself had limited knowledge of our education system here, as I put in quite a few years in school in these islands, and needless to say Mr. President that the difference today as it was ten years ago one could hardly believe it. I'm not trying to say that there's not room for improvement, but we have gone a long way. So far as the education system in the West is concerned, I think we're about in the same boat, we have gone a far way; we're not exactly satisfied with what we have at this point, but, but as human beings, when a human becomes satisfied, he has lost his energy, and he becomes too complacent, and therefore if everything was quite right what would we have to grumble and fight about. Therefore we have a far way to go still, particularly in [illegible] to Frank with our education system as we would hope to see it one day. But with co-operation from the department, the member in charge I feel certain that this can become a reality in the not too distant future.

Agriculture has begun to take its position, the more reason that we have a Director of Agriculture has helped to build its image. But as I've said it for quite a while it is going to be the foreign developer in the agricultural field as we're seeing here in Grand Cayman now, in the various points from which they have started, like vegetables, the cattle also. I think we have a far way to go into agriculture, it just depends if the Caymanians over the age will become agriculturally minded, and set himself to that task, I think it can be and become profitable. Nevertheless, that is left to be seen, but I sincerely is trying to and this forward, and give the needed help which is possible from the department.

Mr. President, I'd like to touch briefly on tourism.[illegible] point that members feel that quite a bit of our funds, our annual Budget is being spent on tourism; this may be true, but I feel we have a far way to go. The old saying that advertising pays is still very true. Nearly every other tourist that you ask or take an enquiry from will tell you they have found these Islands usually by word of mouth from another friend, certainly but not of might will tell you they've seen an advertisement or a brochure. The North American area which we refer to as a large area, it's an area that has progressed thanks the method of advertising, and I feel if we are to get into the limelight, we are going to have to put a lot of money out on advertising. I don't think

Jack, Labour Exchange Chief's] has been begun to bench the areas yet. We have three offices in the United States, and [illegible] large areas yet that we haven't begun to touch. Surely we have had a drop in our tourist industry, it goes without saying that its from the recession in the States, people are short of money, jobs etc., and that means that we have got to be attractive, and concentrate our advertising to the people that can afford to come to these islands. It seems that we have to persuade these islands in the Caribbean areas that one must survive up with some type of tourism that we would like to entertain in these islands. I must say that I think the Department is doing a good job, no doubt continue to do so.

Now Mr. President and Honourable Members, Cadastral Survey has always been a controversial issue from its inception in this House, but you know I can't help but think that from time the Brac Members first heard of Cadastral Survey, and what it meant to do in the Islands, we have always taken the attitude that it has been a blessing to us in disguise, a piece of development which we didn't have to fight for, an expenditure that came our way without being asked, and this was one time we were blessed with it, because we had two Islands on that side of the group, as compared to one here, and it has spent a lot of money in the Sister Islands in the form of labour, in the form of general work on the whole. It still continues to [illegible] particularly/While Cayman, and what is that have been spent over the two years period in the Brac and Little Cayman, if it had not been for Cadastral Survey no doubt it would not have been spent. So to us it has been a blessing in disguise to our economy, and I am certain that it will have it's favourable points in the eye of it. People will be able to know who owns land, they will be [illegible] good [illegible] to, and we can rest assured that it should not at least be as many disputes as it has been in the past.

Mr. President development in the Brac which has been limited has moved on as [illegible] only in the last two or three years, we're proud to say that our flight moves along slowly but surely. It has come through a lot of should we say lobbying, a lot of hard arguing and debating. But nothing that is attained easy given our time under consideration, as what you have to fight for it. I came to those Islands and found it being done in this manner, and I daresay I will go and leave it being done in the same manner. We have always had to fight a strong battle, be courageous and usually stuck to our own development, and convince our government it is needed we can do it, and then we get on with the job. It has been so in hospital, it is so in our road, nevertheless I feel that the day is coming when this government has realised the necessity of dividing a bit of this town with Cayman Brac and Little Cayman as we are part of the Cayman Islands as well.

Our Airport since your speech Sir I'm happy to say that the rock crusher has arrived, no doubt by now they're getting on the way to crush it. For the re-surfacing of the airstrip which has been on the way for the last two years. When it wasn't one set back it was another, but nevertheless all of those problems have been solved, and we seem to be [illegible] on the way to do it now you see. I can only hope that it will be successful and the needed surface will be there within months to come.

The T/S project in re-construction of roads is on the way. Those roads in the old towns are being re-constructed, those which were originally built by hand, block capped by hand also. We're getting off to getting our new Eastern's terminus under construction, land is now being found for this purpose, and with the help of the Finance Department here, we hope to find the funds for a community centre to [illegible] shelter, we should call it. And I think Mr. President that we have had happen in the last two years development for the two Islands at least what our Public Works Department and our other departments in the area with its limited facilities can handle. This year also in Little Cayman will be the office building which should get under construction shortly. And this again Sir, we've been able to retain in the last two years that Government could find its rightful position in these related area-

[illegible] Mr. [illegible]: Though it's limited to one officer. But we've purchased land and setting up an office, and government is finding its position there also. This we feel very proud of, and we feel that this Island will continue to develop. It has the assurance now of, particularly in the tourist field, and we feel certain that it will continue.

Mr. President as the member said I am not very familiar with the European Economic Community, however I can only say very briefly that indeed I hope that this government will benefit for its association. We hope to benefit financially, although it might not be that higher way, not too [illegible] hope that it will be a benefit to our government.

Mr. President a particular point in your speech that I took note of Sir, and this has been my thinking for many a year, and I am glad that you brought it up, and I can assure you that I will not make it die, and that is local [illegible] or local Administration.

Cayman Brac and Little Cayman have been termed a district of the Cayman Islands. This Sir we can accept in some sense, and other phases it is an impossibility. The mere factor that we're divided by many mighty miles of water makes this a human impossibility. When other Caymanians can drive to their capital city, it goes without saying we cannot. When they can participate at the facilities within the city, we cannot. We're not ashamed of it, we're very proud of our two islands. Nevertheless we like to be put in our diverse positions. I can see Cayman Brac and Little Cayman in some cases and not in all, say I stress being part even if the laws of these islands, because in many cases a law which is brought about in Grand Cayman does not affect Cayman Brac and Little Cayman. And if it did affect it in any case, it would adversely, be that as it may, we're part of the Cayman Islands, we expect to play our role, but we expect that in fairly sure. I feel like if this Local Council, or Local Administration was brought into being it could be/showing success for me. In fact if you would like to look at it briefly, we hardly have this now, at least we [illegible] to look at, and thank you. Revenue that is taken in in these islands is spent there, plus what we raise from what we say from the Federal Government from the Capital [illegible] means it we want it stopped, this has to continue, and I daresay as the years go on it's going to be larger amounts. I see Mr. Financial Secretary giving me quite a smile here on the side, but money will come in, it's no problem. One thing about it we will never spend what we don't have. We get it first, spend it after, this I agree with. Nevertheless Mr. President I feel that this could be a very successful means for us. I feel that it would give the local people more thought, more responsibility into their government, learning what's going on, know how the whole system works, and as the old saying is, once you lay responsibility on a man's shoulders it's going to quiet it, he's got to [illegible] to face this and realize how the whole thing operates. I feel it could be very, very useful, and as I said prior to [illegible] Administration [illegible] to the public.

Mr. President over the years the human cannot expect to be anything but a human, they're jealous, they're deceitful. Our people see what is taking place in Grand Cayman although I feel certain that we're not living below any standards, but we desire the bright lights of the city got to them. You say to our people the Legislative Assembly Building is part of the development of the Cayman Islands that affects you and me, yes, but it's in George Town, it's no help to me. Administration Building, yes, it's in George Town. We have to take a very decisive look at our development. In our primitive, and each year we have been doing in the last two years, priorities have got to be set up for the two smaller islands as well as the larger one. When this is done it defines the feeling of one or togetherness of the people, and they in turn would then feel more apt to be called a district or one people. Giving that we're a different bottle of fish altogether, but we're understood this, and we can co-operate, and we can work along, but we must not indeed get our fair share of the development. I can only say in discussing this matter of Local Council, this is one item I feel certain that Cayman Brac and Little Cayman would adopt in the

Mr. Speaker I would [illegible] of being the guinea pigs. If this Government could see it fit to try it there first, we certainly would appreciate it, and I feel we would put our shoulders to the wheel and make it work. This Sir I would like you to take a lot of personal thought to, and indeed we will try to follow it up as time goes on, but I feel definitely that it can be of help to our smaller islands and not only there, but also the rural districts within Grand Cayman.

Mr. President I feel that I would be doing myself a bit of injustice if I did not make mention of the method in which our press have operated. I have erred right in the start for fear of wrong, they never seem to do right. I cannot help by saying Sir, they come in they take extracts from many speeches, they go off, it's printed not usually in the context that it has been given. Some persons' thoughts have not been printed at all, and to be honest with you, I feel that they're doing more harm than good. Nevertheless it has totally convinced me that this government has made a terrible decision in our broadcasting system for the Cayman Islands. I must say that when this first came about, I probably was one of the members in Executive Council that was not very certain if it was within the best interest of the Cayman Islands that this should be Government owned and Government operated. I however was convinced, and I am more so convinced now that this is within the best interest of the Cayman Islands that our broadcasting System be owned by government, operated and controlled by government. I fear Sir if it was in the hands of private enterprise, our problems would multiply instead of diminish. The Press have a very wonderful role in taking the truth you have spoken, twisting it how they would like to see it, and in many cases they have set a trap for fools, and they go right along devouring statements.

Mr. President the stability of these islands has not gone overnight, they have come from us: forefathers down the line to members of this Legislature. The foundry in years past set the base as time went on. We here in the last seven, eight years are putting on the upper structure of a base that has been, reliably reconstructed. And one cannot but stop and think that in this day and age we must remember of the public, whether it be the Press or any other means of private enterprise that will contribute to stability of these islands and lend themselves to what will build a better Cayman Islands, and not what will break it down. Its easy to break down, its not as easy to build. I think that our Press needs to take a close internal view of its position, and get its own backyard cleaned properly, and that start to lend itself to the building of this country, and not to be something down, and ridiculing and making turmoil within our people.

Mr. President, Honourable Members I've taken note in your speech where you've mentioned the good association with members of the Executive Council, and members of the Legislative Assembly Civil Service etc. This Sir we are very thankful for your statements, we feel proud to know that the various divisions have adapted themselves in this manner. I feel certain that the Legislative Assembly and the Executive Council will continue to do this in the future. I feel certain that the people of the islands will also do this. And Mr. President I can't help but thinking that although we have contributed to our share to this association that again the foundation of this has been set by yourself in your good opinion in taking over this position in this Island. When one wears a humble and informal attitude to the people they come a far way. As one cannot . hold you and be reached, you understand our people, and once this attitude has been set . . I feel all the other problems can be overcome. Surely there're going to be smooth days, they're going to be rough days, when the individual dealings [illegible], which we have no doubt seen in this House, in Council before now. But I feel that we can control these, and that in the end they will all add to make these Islands better for all concerned.

HON. GILBERT MCLEAN (CONT'D): Mr. President your Speech has been one that has been very detailed. It has covered the various departments; it has taken a slight thought into the future for '75. It goes without saying as the context of the Speech has brought forward five new major projects which this government has undertaken in '74 have to be facilitated. The government is heavily committed financially, and therefore this year is a year of trying to finish some of the various projects that have been started. It is a Speech that if one without knowing too much of the Islands takes time to read, he could form a fine position of the Islands pretty well as they are today. I am not one that always cry wolf whistle, and I don't think neither has the Executive Council taken that attitude, but I think Mr. President that we' worked together to the best of our ability with your good guidance since you've been here, and your predecessor for the betterment of these Islands. I feel that we're responsible people, I feel we will continue to do so and I can only hope that the country you will be returned to the Treasury as has the past.

Mr. President I don't want to step and elaborate in detail over the Speech, it speaks for itself. But to conclude I would like to say that it gives me a great pleasure and a feeling of responsibility to be part of this government, and this Legislature for the last seven years. I feel the Legislature, the Executive Council, the various departments have quite effectively performed their duties, the proof of which speaks for itself, the proof which I am with these Islands over the years, the proof of which will continue to build them in the future that is a stable government, a loving and hospitable people, and a solvent financial position. Mr. President I feel certain that in many cases we are an envy of many Caribbean areas. I thank you Sir.

MR. CHAIRMAN SPEAKS: Mr. President and honourable Members of this Assembly, I would like to take this opportunity at this time to say a few words in congratulating the President of this Assembly, and the Governor of the Cayman Islands. I would assume Sir that you do not accept those few words as flattery, I accept this sincerely from the depths of my heart. I feel Sir with you coming out why has been a lifesaving of the turning point for the betterment of these Islands.

You have come back Sir and you have expressed, and you have gone further. You have attempted to try to prove what you said on the morning of your being sworn in as President of the Cayman Islands, but you didn't feel that you could do a job sitting all the time in your office. You have left your office, you have gone out and met the public, and in meeting the public you did not attempt to marry your capacity as Head of State over or above the people. You met them with an outstretched hand, that I feel that I am one of you as human beings in the Cayman Islands.

Mr. President was strengthen to do what our many others that filled the capacity as Head of State as you have done. I can only say Sir, I see in the Scriptures - when the little woman tried to push herself through the great crowd, she wanted to have the opportunity to touch just the tip of the garment of Jesus. Seemingly she was probably a little bit afraid, but nevertheless she still tried, and she touched it when she could touch His garment, and probably she was even a bit afraid when he said, "who touched me." She be repentive. "Women thy faith hath made thee whole." What I am trying to say Sir, you have reached out, and touched and touches the people of these Islands. As far as I can understand from public talk, public speaking people, you have reached further than most any other. I heard a young man a few days after the Agricultural show say that he saw you walk across to a crying boy, inclosure boy, and after a few seconds as it were you looking to him, you took him across to one of the stock stands, gave him a hamburger and a cool drink, and helped the little boy along the way. You have reached beyond - seriously the depths of that man, other words he has expressed himself that we have got what as it were we were looking for - a good Governor. I am glad Sir the way you have attempted to go along and meet the people that you won't be reserved, you not be detached from. You have mastered the practice that if no other way, you will manage to be one just to solve their problems, you will do so.

MR. SPEAKER THANKS (CONT'D): Mr. President I can only again give you my wholehearted congratulation on the way that you have started off your term in office. And as an Elected Member from one of the remote areas, I am prepared to give you my whole support in your time of office.

Mr. President I will now attempt to go into some of your Throne Speech. I'm not attempting to make my time so long to hear on Members, particularly the Executive Members as they might have been thinking. Why I have lingered so long before speaking, I'm going to owe my time other than that but it would be good if they would make themselves a little more frequent to speak before most Elected Members, that we would get some feelings of what they've done, and what they're attempting to do as they see things and what not.

The last speaker just made mention about the Press, I can would like to say at this time if the Press can't come in here and use the [illegible]. We don't expect them to say word for word what any member has debated, but the substance ought to be the truth. And they have put in the Press more than was ever out of this house what members never really said. I saw in the Press only this week gone (last week's Friday - 20th) that a member of the House, that they didn't make mention of me with a lamy and my brother with a huge crop of yams raised at White Hall Estates. I don't know if my brother has any yams at White Hall Estates, really exists. He never worked in that area in his life, yes the Press is saying it was my brother, from MCA from North Side, his brother, and his huge crop of yams raised in White Hall Estates. How can one say such things as that, I don't know.

Mr. President and Members, it was said several times and quite too much criticism, with all that it has come, with all its encouraging as no they were in for sentiment the way they're being criticized. Now all the members that have spoken on your Throne Speech, no member has got up and said in so short as anything that is welfare, I don't have anything to add, or anything to subtract. Members have spoken a long time, I'm not saying to complain that they were too long not at all. But it has to be criticisms, either destructive or constructive, or both together. So it is no use of members complaining or saying that with all that government is doing its no use. For blasting them, criticizing them and what not. I think we couldn't expect to have everything was handled perfect, because we will start thinking and probably going crazy. But the reason for the debate on this throne speech, because members see that there could be a lot of changes, things could be done better, different. And if a lot of things were done better, different, not so much money wasted sometimes, it wouldn't be all of these debate on things.

I would use this as in illustration. During the war we had a dozen or something like that ship Newspaper, that worked in the Trinidad area, and you would have cases of going out for a number of days and coming back and spending a few days in port. A Lieutenant - New Zealander came down to Master one of the Newspaper ships, and when he walked aboard the ship the first thing he did was, he walked into the galley and told the cook and the steward about 'see' wash in the officers mess its stink in the seaman's mess. When its seamens in the seaman's mess, I am wagering sardines in the officer's mess. Those words, it wasn't my division or that ship as long as I was there. And in less than six months it was the cleanest ship in the fleet. It was the best kept ship, the crew and pays were off than any other ship in the service. Why, because the Head was then prepared to work with the rest of the crew, and what was good for one was good for all. And that's why, because it was properly organized, it was properly run, there was then little or no room for criticisms. So we can't tell me that when things are properly run. And it can't unless it's properly organized, then it doesn't then leave much room for criticisms.

MR. CERVANTES SUAREZ (CONTINUED): Mr. President I will go along touching on the different sections of your speech, and I congratulate you Sir in this. It is well worded, you just brought everything which was required to mark in every way, but it wouldn't be fair for me to just say thank you for this and sit down.

You have mention of the four-pronged investigation of the Natural Resources Study. I recall Mr. President when this was being debated, while no member contends that it wasn't a good thing, but in the debate it happened to fall on the lap of the Third District; Member for him to cast his vote that which we were debating it in a budget session that he was for it, he be in support it, as he supported it to that extent. It was quite a lay out of money, we don't like that money could be used for other things at that time, but as a democratic Government, the majority. So we still haven't had the results of the survey study. But we don't know what the results will be, they may say that you will have to stop reeling up more of the mangroves, you can't pump anymore fill - dirt, then what will happen to construction : the island as much of this material is needed for fill for roads, for various developments. Now we can't have everything, we can't have the machines, the facilities if this had not be developed at some things. But I'm hoping that whatever the report may be it will not be to where we may suffer too greatly.

The work of the Mosquito Research and Control Unit continues. Mr. President I am I remember when this unit was being organized - set up to fight the pest of this island, it was pointed out to us that there would be an immunity stage with these mosquitoes, and I am telling you Mr. President it seems to have reached that stage. Eighteen months - two years ago one could seemingly go any place around in the jungles, the beach, in the mangroves, in the swamps any place, and you could pass - I'll believe, not being bothered at all by mosquitoes. But in the past year or eighteen months particularly, I am aware for the district of Orange Walk in that area they have just been miserable most of the time. There've been days when we have to keep our shoes gets grimy around the yard all day sometimes, and like they can't do a reasonable amount of fogging and aerial spraying, they do. Sunday gone a week a few folks were from Town, and they came by my way and they were talking, "but you have a lot of mosquitoes here, they don't spray." I said yes they do, half an hour after that the plane came and sprayed that area two or three times, and Monday was the I think they must have been twice as but as they were Sunday morning. They just don't seem to have any effect. Anyway it's hoping that we will live to see the time when they will even be better surface conditions, even get back to where they were two years ago, and I hope that they will be able to come up with something to combat similar areas. The area in Town may not be encountering them so much, but out in the outer districts in the land where the farmers are trying to do - his or her work, they're having a rough time with these mosquitoes.

The Department of Agriculture - we got a new head of this Department, and apparently great strides are being attempted to help improve this our bread line. I am hoping that with the knowledge and experience of this Minister, that we will be able to achieve a bit more in the way of our local agriculture. It seems to be some of the local farmers who are being driven back as it were to the farms. They have taken a new look in the development, and the construction field have fallen off some, and I'm glad that in my constituency that there are a number of the boys, young men are now turning back to the good soil to be a producer some of the food that we all have noticed at the moment undoubtedly we do have some of the best cultivating land in the island, and is the North Side area. With a bit of advice and a bit to facilitate it the way it can be used and what not our crops I am sure will increase. But this is one of the biggest hopes we have lie in the agriculture field may quite a while. Other Heads of Government when they came in they ranged to think that to take a look which was the most profitable, tourist or agriculture.

MR. CHADDOCK (R) ... [illegible]. Importing seeds is not the big thing we see now with, it's whether you can get it or not. And if the importer can't get it, and the local people don't grow it, well then what good would money be to us. And we're hoping that with the local people that seem to be returning to the land, and with the new enterprise of the regulation of the farmers that are now attempting to help develop agriculture in the island, I hope this concept will prove a success. But what seems to bother me, that every investor that came into this island to invest they feel that the public should pay for their investment before they even get it off the ground.

There's the Caribbean Farms, the milk people. They've never been able to supply the island to a hundred percent with milk, and yet their prices are above the imported milk. How would they expect to establish a good sound business in that way? If they expect every individual in this island to have a glass of milk a day, then they must be prepared to lay out the capital, to get it started and then fix a reasonable price, but not to get it half way off the ground and expect the consumer then to bear the burden of the high cost and finance it from there on. It's not reasonable, and that goes along right on down the line to every investment that came into this island. They wanted the franchise for the whole island, but they weren't prepared to lay out the capital to begin with, the consumer has to bear the burden.

Tourism - it's one of our biggest revenue earners, it brings in a lot of money to the Treasury, and with the figures that have been given in your Budget Speech, we realize that we're still a bit on the upside to GDP. We're not unrealistic in the breakdown like many others, primarily the Caribbean owned are to have been pointed out to us yesterday by the Member responsible. But we do find that some of what seems to be the grievances of our tourists: the prices in the high cost, the high prices. And no doubt about that, many of the prices are probably much higher than those they pay from. I used to think in last week's Budget that one visitor to the island, but they begin to look, they said the prices were high, and they got their first impression, recently on an average they seem to pay about two hundred and fifty for taxi fare. They must have thought that was very ridiculous. And that being their first impression of prices then it's left them thinking that all of the prices are more in line with that.

I was talking to a lady recently who operates the hole in the Wall across the street over here on prices and now they seem to go with tourists and what not. She said they've had people to come in there and complain about the prices that they pay in the hotels compared to what they can buy here. She pointed out to my new type of liquor that they sell at a retail price for $4.00 or something like that a bottle, and people from the hotels say they're paying up to $21.00 for the same bottle in the hotels. Then the argue was maybe it is a wholesale rate, they probably get it for $8.00 or $7.00, but they're obtaining it for nine, ten and the locals can still get it up to $4.00 or $5.00 for one person. But that's a consensus that is catering to tourists, and they're the ones that are driving the two and [illegible] it apparently will do.

Most visitors to the island, even to express going to the island a pleasure, the people, the climate, the scenery and what not, but they do [illegible] it's true. Some thought something like forty seven thousand odd visitors according to the Throne Speech have been estimated during 1974 if figures like that present would almost be collected along the road sides, and business places, government needs are what not. The cost has gone up but this year and there comes to be no better service, we don't paying for what we're not getting. May be government will then why should we talk about just a few dollars increase when in the service is not any better, we ought to get what we're paid for, and when we do that then it wouldn't be any need for talking of grumbling or complaining. And this is the problem I find that it's a lack of proper

MR. [illegible] EBANKS (MNTH): supervision, proper organizing, a system that can work how it ought to work. One never sees the responsible people in the different places in the Caribbean sweeping for themselves what is necessary to be done or what is needed to be done, and the way they should go about it. And until those things are done then we will find ourselves still in the same slap dash way of doing things, doing it any haphazard way, any time seriously will be.

I know it is those that are responsible for that department who is put out and see certain areas they should and ought to do something about it. Round in the area of those fast-restaurants and what not, some of the most filthy places that anyone can see. A few days ago someone burnt out garbage or grass across the street from the supply, and half of what liquor and beer consumed in those places the bottles and the cans went be across the street on somebody's property. I don't think it would be anything wrong for some department to close that place. Mr. President until those things are looked into and gone to then we will have people complaining about the situation, the litter of our island. If we're to clean it, or are there to [illegible] owner, its a big job, and it ought to be. It seems under the Public Health Department, we have that department, we have a number of people in it, we have right in people that are hired paid to do the job, and they ought to do the job, and when anyone fails to do their job, or what they ought to do to make a better place, then its time and it shouldn't go on for many years in that condition to continue them.

MR. PRESIDENT: If the honourable Member is prepared to [illegible], he might take a short suspension at this stage.

MR. CAMERON EBANKS: Yes Mr. President I'll accept that, thank you.

MR. PRESIDENT: In that case I'll suspend the proceedings for fifteen minutes.

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

MR. [illegible] EBANKS: Mr. President and members I was on the section of the Public Health. I said government needs to see that this things is really taken care of. Its much as be cleaned up for that place to be attractive and clean that its a big job. I am not saying that it should be left entirely for government's expenditure, but I think that some sort of cleaning programme ought be arranged to have some of this done, and to get some of the litter and filth out of our island. The provisions for this island whatever they may be designated for, whether it's on the sewer site beach area, is another one for Rotary Club, or whether it's for the Cayman Kai. They all can progress as they come along, and as the little old gentleman says, the first impression is the lasting one, whether it be good or bad. And we should do endeavour to try to eradicate most of this unsightly scene of things, litter piled on the side of the roads.

You spoke highly of the development in the last year of the inception of the Cayman Islands National Council of Social Services. I feel Mr. President that most persons have had something to say about this, while it's a good thing, and is something that the island needs badly, it should have been one of the last things that we would have to try to incorporate in this island, but nevertheless it has come about, the need for it, and we will work to labour and do as much as we can to support this saying that the fruit of the [illegible] work, but the work [illegible] the whole responsibility of members in this House, but a lot of the praise [illegible] going to be here to put all the ground. The not getting the support in several ways, and as always - many people don't have time for some things. Now a lot of them has been over-burdened in different

MR. [illegible] (CONT'D): directions, but who is to be blamed for [illegible] [illegible] is another question. What I say who is to be blamed, some may [illegible] [illegible] the teenagers, the young group, the children are to be blamed, some [illegible] [illegible] the parents are to be blamed, some may feel the church is to be blamed. [illegible] may feel that the schools are to be blamed. [illegible] [illegible] of us all don't get together heart and mind, we may not be able to solve this [illegible].

It was a motion before the House a few days ago urging Government to look into the Cinematograph Law and [illegible] [illegible] attempt to do something about indecent pictures. The very picture [illegible] seems to have kindled a fire in this [illegible] a few days ago, at a [illegible] [illegible] caused a bit of alarm and excitement, and saying that [illegible] [illegible] be done. In my [illegible] on this motion, and the books that [illegible] [illegible] purchase from the stores. I think I made those remarks about the [illegible] [illegible] I have seen children going to school with. They probably may have [illegible] getting them at home. I am somewhat convinced [illegible] [illegible], [illegible] [illegible] the Honourable Member will be able to clear this up when he [illegible]. But the books of such [illegible]? That they don't buy apparently they're in the library at school. So I am kind of convinced that the books that I see children passing around on the bus from time to time, they don't buy them, they get probably most of them from the library in the school. [illegible] I understand that [illegible] [illegible] a ruling that a student ought [illegible] to read at least one book a month from the library. So that [illegible] [illegible] that the children are allowed to take the books home, and I suppose [illegible] they pass them around, and [illegible].

One school boy had just said that [illegible] book that covers that picture [illegible] is in the library, [illegible] [illegible] what is the title of the picture. That book is in the library [illegible] school. Now if that be true, and I believe it to be true, because I am positive this boy didn't see the movie. And when he can [illegible] [illegible] [illegible] then if that be the case then I'll further substantiate [illegible] remarks I made a few days ago. I hope we don't get disappointed [illegible] [illegible] this year from the school [illegible]. Then where [illegible] [illegible] with these teenagers? Parents are not responsible, they're not [illegible] the schools, the school which ought to be the next parental guardian [illegible] discipline and along with education [illegible] failing, then we help dragging the brain and the thinking and what ought to be the behaviour and [illegible] [illegible] child is dragging him down to ruin, shame, destruction and [illegible], pointing him to the way of the gutter.

I've contended long ago over the last few years when we talked about the Comprehensive School, and what I [illegible] [illegible], the behaviour of children that we still need a principal as the [illegible] for a school. Somebody might have to be a principal [illegible] and the years of experience, but if they cannot discipline when they [illegible] to discipline, what's under their control, then it's still [illegible] [illegible]. If instructors of the Armed Forces weren't able to control the thousands of men that they drill, they teach, they train, they discipline, what you think the world would be like, or what wars would be like. Then if we have people who can train and discipline men, then why we can't have people [illegible] who can train and discipline children. I [illegible] [illegible] say, this is the world all over, why do I have to trouble my boys with the [illegible] [illegible] [illegible] John Brown's children are bad too. Let me fight mine and forget [illegible] [illegible] with his - [illegible] - I got my own problems. We don't have to look at the outside world, because students [illegible] [illegible], demonstrations, and doing what not. So we have to accept that and be [illegible] and relaxed with our children. We mention it from time to time that's the [illegible] that we're looking to for our tomorrow. Well God help us if they [illegible] [illegible]. Then it won't be any tomorrow or mighty dark ones.

Gazing at the paper this morning even at the [illegible] now they're starting to riddle the people down, so you [illegible] [illegible] safe anywhere apparently. That's what I'm saying, do we have to [illegible] and look at the other side of the bridge because some others are having problems, that we should just be relaxed and go along with them. We ought

[illegible] [illegible] [illegible] endeavour to do everything to bring our young children, children that are going to school, whether it's the High School, Comprehensive School, Primary School, or what school, some right discipline, and if you can't do that, we're looking some place, they can be responsible for that.

Mr. President you made mention of twenty six Ordinances were enacted in 1974, I am wondering with those Laws enacted in 1974 if they're doing what I feel that they ought to do. What would the Duty being administered to this full effect. Now it just occurs to me, I'm able to stay here and some more time, and keep up my ideas about it, when you were thinking that the Law was to cover it [illegible] to be done. In the Drunk Law when we talked about garages, carports or the road are what not, do the new Drunk Law could make case of all of this. Anyway you can go around the various places you see... [illegible] still on the road. The public notorieties are being hampered with this type of work going on the sides of the road, traffic is held up, congested in every manner and whatnot. Since they have been passed in '74 and this is '75 and some things are still going on.

There was the Liquor Law that we have as it is presented has wanted time, because one of the main objects of trying to get a more comprehensive law into effect would curb some of the bad behaviour in the selling of liquor, and the consumption of liquor and what not. But one has [illegible] being that this law is doing now it's [illegible] those that are selling it primarily to the under age. As that word [illegible] the law, and so long as it remains there the police hands are tied, he likes to talking of drunk on private [illegible] to the under age, because he can't really say, well they appeared to me to be twenty one or over. So it appears like only way we thought [illegible] to prevent the selling and of the drinking. And we do have our troubles wallowing in liquor - but [illegible] and the population ratio when Jamaica that is one of the biggest liquor manufacturing countries in the western hemisphere, I think the drinking percentage is our height than ever in Jamaica with [illegible] and ours. You can see more at [illegible] more sales the [illegible] of liquor consuming about our roads than you can see in any big country or city. Why should it be?

I feel Mr. President and that has been some of the arguments of some of the members of this House. The first step of [illegible], much of this is for a liquor premises to be closed on Sundays I know what you say that the [illegible] to suffle a little bit, the [illegible]. Any bonded that sells our country and can't [illegible] twenty four hours without a drink of whisky, rum or whatever it may be, then we don't need that tourist, the country is [illegible] without that tourist. And we can't make a block one and kind of [illegible] and possible right, it's not morally right to make a division in this. The hotels could be opened on Sunday and all other places closed. And we only in my way of thinking that we could reasonably start to curb this kind of bad drinking behaviour and liquor sales that they be closed on Sundays, every licensed premises in this Island.

Mr. President, you made mention that the Kraft Development Bureau is located at this time in the very near future, having from what you have stated in your speech in the development Bank. Quite part of land [illegible] were now allowed towards the [illegible] of the Kraft Development Plan. A new Director of Planning was appointed, and two highly qualified United Nations officers joined the Financial Secretary's team. This development that we've been asking for long ago, in fact it use to be brought to the House years ago. [illegible] see about it now, just like asking an architect to give you a blue print as to [illegible] a certain structure, a certain type of building, before you get any plan you start the building, also the anything is three quarters complete, the architect's plan, that's where we have sort of got out with the municipalities of this Island. We've been developing, we've been building, and [illegible] what not without a plan, now the plan is about to be [illegible] to this Territorial Waters, and I [illegible] mighty [illegible] fish [illegible]

MR. TRUDDON BANKS (cont'd): ...that all members of the Assembly as well as the public when they take to that would cause this to occur with i...

The thing that bothers me somewhat Mr. ... Brathwaite, would it be fair to say that the population of these islands ... and I use to understand when something is said, or when something is done ... whether ... good or bad. That seems to be the attitude towards most ... all bills when they're brought to this House. If members of the public ... get up to do bills they are certain things about it that they disagree with. Members of this House ... find things that they disagree with, yet it seems ... to be like looking but we don't know what we're saying, or that we simply ... don't know what is best. If we that were born and raised and live here ... don't know some things, then I'd like to know how somebody that comes in ... here for six months, and when they've accepted an appointment to go to the Cayman Islands, the first thing they'll ask, well where's the Cayman Islands? ... We've never heard about it before. All they want is here for six months ... that they say to me is that we're dumb, green, we're not educated - I know ... we're not, but we've got a lot of common-sense. And any nominated man or ... woman that don't exercise their duties with reasonable sense along with their ... discretion then so far as I'm concerned ... what I term "ornamental limbs."

... has been all of the Cadastral Survey. ... It has been a work apart from the exemptions we have as it's advanced. Because ... but you go about doing something in the wrong way then it will always be ... the feeling that it is something wrong about it. Regardless of the cost ... factor. It be considered minimum known it's finished or whether it be ... considered an extravagant expenditure, the fact cannot be denied that ... the people were told bluntly it will not cost you or this government a cent. ... Further more as long as it wasn't worth having, it is didn't cost eight ... thousand a quarter-mile - a land title, it's not forthcoming. And this was ... ... you we were told you'll have no more dispute, you'll ... ... have any more family arguing and ... ... quite, you'll have no more court cases, you will ... ... We can say you may simply not be grab at an opportunity, ... will think any number will have a true figure if it were ... ... come to mind,

When we were studying the draft Bill we had only the privilege to take it to Grand Court for an appeal. Yet every ... Court case whatever the surroundings might have been, they had the right ... to make their appeal to the Privy Council if they so resolved. Yet a man ... with his own little piece of land, his home and his house his appeal can ... stop at the Grand Court. It's very unfair, but after many hours of hard ... we achieved that we should have the right to the Privy Council ... we do ... Sometimes. It was only trying to exercise one of our rights, every attempt ... was made not to extend to caution in the law, if we haven't done that then we ... will still have been in the sea. Even that has been trying to be over-ridden. ... Anyway I'm leaving that we leave many. And I hope I don't live to see ... any land disputes if that finished. But the big countries, the big nations ... don't have problems today, land boundaries, land disputes, that's why ... wars are fighting. Then how can we be eliminated having as little ... as we do, our small island surveyed even if every piece of property in ... it's finished, owned or unowned, how could anyone expect the people of this ... land to be so ready to go ... the flowery paper that were being used to ... try to create this. Tell the people the truth. If there can't be any ... fabrication. But everybody will understand, maybe not everybody present ... won't survive, but the majority will, when you've told the people the truth.

You mentioned Mr. President there was no ... boundary like foreshore of any income tax. Maybe that's a long way off, ... but you didn't mention that there wouldn't ... any foreseeable future of ... income tax. And in my humble opinion two or three years after this survey ... has been completed, it may not be in your time or office, this I do hope ... for you have many years in this island as Head of State, but there will be ... a long time, and this was the only way to get a true picture of what would ... be taxed, is having a survey and the report of land that ownership. We

[illegible] [illegible] (CONT'D): when government is prepared to impose [illegible] with no one of us running across to the office, and say well you know I only had five acres of property, when it's already in black and white a hundred acres. So government only has to go down and impose the tax probably according to the value of the land. [illegible] and that [illegible]. [illegible] [illegible] over, no question about that. While your predecessor doesn't [illegible] to believe in the reading of the dictionary whatever appeared in it, the dictionary does say [illegible] the survey means, and it will [illegible] on it no other meaning. I am not so simple Mr. President to think that we are going to run this country without taxation. We need our money. We couldn't have a staff of Civil Servants to run and do the duties of this government if we didn't have money to pay them. But what we're trying to do possibly [illegible] it in a clean honest manner. I am not saying that if time lasts long enough, another three hundred years, which might be time enough, might be one of our last resorts if we should be [illegible] taxes to keep up our revenue. But [illegible] What this probably [illegible] [illegible], we would have found may be other ways and means of [illegible] taxation so that the burden as always don't fall [illegible] hard on the property. [illegible] the [illegible] sector, poorer class as we say, because they are the ones that always have to bear the burden of these increases.

We are forever bringing in heads of departments, [illegible] of appointments of departments, and it still [illegible] [illegible] what they are ought to do, what we say we would like to see done. [illegible] [illegible] of a new [illegible] office, what are his duties, what should he doing? I can't see very much. About ten or eleven days ago [illegible] [illegible] lying up here on the [illegible] Bay road, who's responsible for this. If the owner isn't responsible to move it, then it ought to be the [illegible] Department [illegible] that [illegible] moved, whatever other steps are necessary [illegible] [illegible] ought to be taken in connection with the owner. But why should a [illegible] automobile remain there on the highway for two weeks [illegible] [illegible] other [illegible] on the road. [illegible] it hasn't created another accident. Yes, there would be no excuse acceptable for this as far as I am concerned.

Early in January I asked the Officer [illegible] [illegible] making [illegible] with the North Side [illegible]. Well we're [illegible] cars now, and we can't make [illegible] checks while we're doing this [illegible] [illegible]. What difference did it make to him or anybody else if [illegible] hadn't come in to have his car inspected for a new license to be [illegible] [illegible] [illegible] he's caught with his [illegible] license exceeding the speed limit in [illegible] area it might have been. What difference does it make? [illegible] the second time of going back and asking, nothing [illegible] [illegible] we don't have the cars, and we don't have this, and we don't have that. [illegible] only one car in operation it should cover the whole island. We don't expect it to do what Mr. [illegible] said [illegible] [illegible] [illegible] you're [illegible], you're north [illegible] got [illegible]. We don't expect [illegible] to be East End and West Bay at the same time. But we do expect that they ought to do their patrol that will take [illegible] the [illegible] [illegible] [illegible] hour period. Why do you have to wait to get a half a dozen [illegible] [illegible] that North Side and East End [illegible] [illegible] [illegible] [illegible]. That ain't good enough. We're always left [illegible] get [illegible] we get that, we don't have this and we don't have that. Well it still comes back to what I said a while ago. Lack of knowledge of knowing how to organize a system and see that [illegible] properly run, that's [illegible] to be done [illegible].

Mr. President from your Speech, the Civil Service/Head with increase [illegible] of work and pressure of business as the economy expands. Increase from an establishment of five hundred and fifty six to six hundred and twenty at the beginning of [illegible]. [illegible] [illegible] officers are serving from the United Kingdom, and approximately one hundred are recruited from elsewhere in the Caribbean. Mr. President and [illegible] Members then according to these figures we have one [illegible] and forty [illegible] people from overseas working for this government more or less in the Civil Service field, leaving us with four hundred and [illegible] [illegible]. [illegible] saying here Mr. President that these figures should read different [illegible]

MR. [illegible] CRUSE (Cont'd): ...and people in this one hundred and ninety [illegible] group should not rejoice and ought to have been experiencing these times. I am not here to pick them out, but I will draw to your attention briefly some of what is happening, and even though Sir you are prepared to put out to the outside to see and to learn of some of these things for yourself all wouldn't come of good use in that manner. But I feel Sir that you might to be informed of some of the happenings..

We have a Government to deal with applications and what not, every government needs a post filled notice to send out asking for application, this is what is done in the House, not not only with government but in the private sector as well. And it has been known that the waiting time for receiving applicants and this primarily [illegible] the private sector. Last times of application or interview applicants, many of our local people here applied and were told and the answer they got, sorry we already got someone. That one was already approved before the notice was sent out asking for applications - that's not good enough. We got what is needed in government the department to deal with this, applications are supposed to go to a Board or Committee to study the applicants make recommendations to Government, in their recommendation that John Brown or Suzy Jones is the proper one for this post, leaving the decision to be taken by you Sir, or the Minister who is in the House. Sometimes these recommendations never reach your Desk. The decision is made by the Board it is thrown around, and somebody else wiggled in at the place.

We got a Senior Manager at the Public Works Department, a number of Managers applied for it and they were deprived. The first attempt was made to put a person from Cayman into it, but it was killed. Others got names applied, when the Board saw it was another [illegible] got their in how it. Now who got a Doctoral or American Passport to all Nationals, it's a wonderful country, and wonderful people. But why shouldn't this country be deprived of one job a Caymanian ordinary job that a retired Leaver should be able to take care of. Be deprived of that for a retired man to have to live off his pension. Like here Leo and what not, because it's by Location-Location. Mr. President that type of thing going on is not good enough, and if we're going to retain a permanent people, I feel that your good hand of guidance will get that this did was done at these things rectified. I don't go around problem like matters of government, into people's business, but I remove blinder my ears from hearing and my eyes from seeing things.

A young lady recently applied for a job in this government, and the job that she applied for, when she got a reply it said, we're sorry but there isn't any vacancy in government that we would use you at this time. And she applied for the job when that was a notice out asking for applicants. She [illegible] years of experience in the line that she was applying for, this government sent overseas to be qualified in them, and yet she was discriminated, she was told it was done to you, but I am saying this with my humble opinion I don't think it somebody you and it's been warped and twisted around by [illegible]. Those type of people Mr. President they shouldn't be wasting the payers money, because when you can't be clean and honest to your people. Then you shouldn't be a using the payers money. If it's anybody to go back to and he ought to be such a person as that.

MR. PRESIDENT: I would like much longer the Honourable Member is going to speak, because again we might interrupt at this stage.

MR. CRAIGACK [illegible]: Well, Mr. President I accept your interruption, and I was don't want to time myself, it's the [illegible] year, and I don't intend to [illegible] through this, and as I said in the beginning I didn't want members to feel that I was going to pull them to pieces, not at all. I just want to give my views on some of these things, and hoping that at this much you see, Sir, I wouldn't expect you to agree with everything, but I feel that you ought to take note of the things that was happening Sir. I accept your ruling for adjournment at this time Sir.

MR. PRESIDENT: Will I request the sitting until two thirty this afternoon.

HOUSE ADJOURNED

HOUSE RESUMED

MR. BRADDOCK BERUKE: Mr. President and honourable Members I quite realise if the debate had to go to a motion we will lose, but I can only say as the American G.I. Joe said when they were fishing on a little bridge across a brook. The American soldier seeing to every one cast he would catch a fish, and the poor Russian on the other side wasn't getting a bite at all. So after a long torture looking with him he did turn to the American Soldier and said, "What happen you're getting all the bites on that side." He said, "yes they're not afraid to open their mouths on this side." And that's my only consolation with this, we're not afraid to ... on this side.

Mr. President where I left off I was only trying to point out that justice should be dealt with in all cases, and if we have to think in terms of our people ... we're trying to educate to run the affairs of our country then they must be dealt in honesty with whatever field that they talk in. Whatever attempt they have to do to get a job in government services, they ought to be treated with due respect to their applying and asking for a job. I feel that whenever an individual joins government services in whatever capacity or whatever field, they join with the intention with the hope that tomorrow they will be higher up the ladder, and they ought to be treated that way those that prove their efficiency in their work that put in reasonable time; and its a change of officers from one sector to another, or from one career promotion field that it ought to be common to keep coming in and filling up them ... (inaudible some words). But in like so many cases one is anchored at the foot of the ladder and reading there for God knows how long sometimes.

Whenever an appointment is made to the Service it is somewhat on a probationary basis, then to whether the applicant will suit the Service, is prepared to work, prepared to learn, or can fill the post then. And it is a known fact that many of those our people have excellent minds, they can be for the next two years in the same place, not even with a letter of Appointment. Then that deprives them of all the privileges that government should be or is offering to Civil Servants. They can't get a vacation on pay, they can't get that, they can't that, yet you're using their services. And if one can fill a particular position at a post for a year or two years, three years then they ought to be good enough long before that for an appointment, that they can then look forward to obtaining and getting the benefits that government official Servants. Again Mr. President it has turned the other way sometimes, a week two weeks after someone joins the Service they get a letter of Appointment. Then when other Civil Servants know this, then it must create an unhappy feeling, and you can't blame them Sir. Any right thinking person couldn't blame them for being upset about it; and as I've said I just don't go in digging into those things. But recent y I walked into one department, and I heard the conversation going on, "yes he's only been there two weeks and he has an appointment, I've been here eighteen months, and I am still in the same place." ...Sir-

... I remember you have covered a lot of territory since you've been on this island. I don't mean by re King Arthur, and I am hoping Sir as you see things, and I feel that I can conscientiously say that you will be pursued to see that justice is done and carried out. If not Sir, then we cannot forever go on toying to muzzle and smother these things, because it only spells disaster and any way that things are done in a corrupt manner it got to be ... sooner or later. And that's why many of our young men, young women that once worked for government are not working for them today, because they haven't been fairly treated. Now I must admit Sir that I felt that a lot of these young men and young women ought to point it out, they ought to ... somebody against the wall, or get eye-... them with their ... mouth, loved but we're all human, we're not

MR. CARNOCK BEVAN (COXIT'D):made all alike. We can stand a certain amount and no more.

I think Mr. Speaker you will understand in brief from what I've said on this department, that you will keep a keen eye and look into these matters when they come before you. We do recommend and expect many things to be done. We bring some matters from time to time to this House, and most of the times they are eyewash on the floor. The last one recently brought covering the Regionalization of Ships, you in your wisdom saw it was something that we should attempt to go into at length. What it may brought back is such a waste of time so far as the majority of members were concerned. Why I am glad that you in your wisdom and good knowledge and understanding have resolved this by sending up a Committee to go into it.

Mr. President and Honourable Members I don't propose to attempt to say anything arising out of the Throne Speech as to what has been said about the roads, because all members in this House know my feelings about roads and this matter, and the interest placed on those that are responsible to see that we get good roads. The one thing that I disagree with Mr. President and what was said about in the starting of these roads, for humane sake it appears to me like those that live in the Eastern District as mentioned at times I even might have commended if we could have gotten this road,that is started in West Bay at least started Savannah and back to George Town. Because if its one part of this island that got and needs them it's that area. From George Town West Bay road is five hundred percent better than Savannah - George Town. We're paying the same for our vehicles, and they've got boat to discuss, they're overjoyed on that road. And it would appear the differences in the amount of traffic between West Bay and George Town, and George Town and the Eastern Districts. I admit that there is more traffic on the West Bay road, but at this time, at this stage West Bay could do with bumping, persons better than any part of that road in East area. But it would have relieved the parliament if that section of road would have been done first with this hot mix.

I know Mr. President what you have said here, the way that you feel as have been told that the road programme will probably go, But let me tell you Sir, that that isn't six months from now that road will be done - Not as much looked like away from it than that. Things's are beat up this fucken season getting good in here more than I have done. I am glad we've got to the place where we say that we're going to get good roads. Some members have expressed their feelings that instead roads all these years, you're building roads for idiots - as we should build jail, and we don't have enough for idiots. Build roads for quiet law abiding citizens, and deal with the fools. If I remember correctly, speaking subject to correction, I thought that we were told today that the road programme at it West Bay that it was figured they would do approximately a mile a week. In my shortcoming Mr. President, after seeing the way it seemed to have been started it wasn't feasible possible. I make it my business and hope to meet by Wednesday morning before coming in here, and yesterday would have made something like eighteen working days on that project into that area. I know as I say, well they had gone behind down, all right, give them the benefit of six days, that you had twelve days and we got less than half of it behind. Down where were we going to get out from the Government sum approximately per week, and they've already gone over two weeks, and don't have one mile. That's common advice, that is what the owners told me - not impossible, the engineers.

Mr. President when you visited the District of North Side a week ago, two weeks ago, I drew your attention to some slum that I had put around the Post Office to save the water from beating in over. I think you admitted and agreed that it was the proper thing to do, yet I'll tell you Mr. President the day that we went to the Public works in connection with this visit, if it hadn't been for the due good respect that I have for you as President of this Assembly, and Governor of the Cayman Islands I would have spoke that over that day. I was born and raised here and I think I have respect in this country, I haven't gone to jail, I have

MR. CRADDOCK SHANK (CONT'D): ...goes at night, I do it's two anybody, and I think I have a clear [illegible] in this country. And for anybody to be brought in here as an employee of government, way junior in age to me, and to tell me that I make me a truck load of marl instead of gravel, telling me that I'm a liar and the only reason why I didn't apply the tone as I would Mr. President, I'll regret because it's the respect that I have for you, but for a little stripling, Sup[illegible] an employee to tell me that I'm lying about something that he knows wasn't any lie, I nearly committed myself, but I restrained it to the request that I had for you. They're the kind of people that we have to deal with. Then as I said when we're that approximately how many feet work into three weeks and we don't have one mile, then what time will we ever reach Bodie Loop - a long way off, and the cost will be in the millions. If I remember correctly when it was asked about emergency some indication was given that the contractors would say it would cost about a million and a half, government felt it was too much, but what is required Bodie Loop three million would be in the near. Because what I visualized Mr. [illegible] with those trucks to go into each point and be loaded, about six every fifteen to twenty minutes or get a load, then the spreader may be added. Because the trucks are out in view to keep the spreader continually going. And if that spreader has to be idle fifteen, twenty minutes between truck loads, then in one year I can tell you will be a lot of money gone, and we won't have the roads for it. I'm not any engineer, I know that, we get a lot of [illegible] advice in here, but we don't get many experts. They think I'm riding one for avoidance of this [illegible], or members of the public in any that I [illegible] wasting money, throwing away money, and I like the fact Mr. President,

One area in Lower Valley in the past six months that would [illegible] placed put in, graded for about four times before it was surfaced, now they just been surfaced. Then when people use that Qilly Row can they other than any [illegible] being wasted, they [illegible] the machinery [illegible] there and bring this rock up to standard, they leave it there, and in a month's time they dragged to rock again in, and then go back the second, the third time, and if I'm not mistaken the fourth time it [illegible] when they cooled in. Well then that times of road of a few hundred feet has cost four times the amount just to compact some crit, and that is [illegible] money wasted. Anyway Mr. President I hope we'll find some ways and means [illegible] proceeding this up, and get in full time duty, work for of this equipment, because it's expensive, and it is [illegible] to drag along time to work it one week that should be done in one day or two days, then it's going to be a drag out. And as I said, I don't know just what is the estimated cost to do this twenty eight miles of road, but in the next session of the assembly it will be most commissions asked on this, and I hope the [illegible] responsible for recommendations will be prepared and will be able to answer those questions.

The next Mr. President was water and sewage study - [illegible] a real thing. The only thing that I see about the water system may be if it's established those people that are watering water from their roofing in water cistern, now Government has one now you can't drink this water anymore, you got to buy water from the company. Well I hope that doesn't come about, but if our development has to continue like bottle and apartments and what not, it will take a lot of water, the water is scarce, and we just can't all the way around to have to supply these types of residence. But as I said its one [illegible] reasons for establishing this pipe water, its considered urgent on health grounds. Well much has been said about the polluting, or getting, the water table contaminated, and I don't think Mr. President [illegible] anyone for anybody being anxious to contaminate the water table their government itself. Because the countless septic wells that are drilled over this area of Wasuga Town to drain off the water after a rain is draining every [illegible] thing that we've every and could cause an epidemic or anything else into the water table of our island. So that has been a want, and what just is going ahead to try to keep these going, when Castle and Wardlaw[illegible] digging their trench to lay their cable across the middle of Ocean View has been, government had tried in and could have got a bigger sewage that they could put a liner in, could run the water out of

MR. CRAWFORD (cont'd) the middle of town into the sea, and it may have been late enough, but no, big holes and watercrafts the main cable. After a hearty talk to see that the dredging fleet come out, and start to come out the drains so that water can run off. Just a continual spending money, it just see a lot be doing a job that we'll always have a job on hand, never do and to it.

Mr. President you did say in your Throne Speech by the end of 1979 this industrial survey will have completed all work on Pageon Bush and Pitts Pageon and all of Grand Cayman west of the Bank Road/North Side Road. I hope so because I would like to see them out from in there before that is possible, but that is still yet to be seen. Three months have already gone, and if we get a lot more rain like as do then they'll be deprived of five months of getting into the jungles. And if they have to have in lands of damage all the land into the North Side area in the back lands, then it's a long drawn out situation. They won't find that so willing along the roads or out in peoples' pastures, they will really pay time in my opinion when they get into that high muddle of forest, cliff, where there seem to have been the trade . win Lady going into it, but I know they'll get through with it. I think I've said as much as I would want to say in that white age.

Mr. President you made mention that yesterday around the second of April time the Development Plan would be introduced to members of the general public shortly afterwards and the Development Planner, Director of Planning and other officers who have helped the Planner Authority with its preparation will at a public exhibition and explanation to enable citizens to find their way about a long and complex document. I do hope Mr. President took that in time also, and I look forward to it occurring about, and I do request that whoever may be the officials to go out to have these meetings to give the public the break down of these, they will give it to them in touch and not to try to wrap up and mislead as was in the introduction of the industrial survey. Because this was first caused the trouble, an attempt at the misleading, and this would be the same. But I'm hoping I will give my every support to help get this join, provided we're not asked to accept things, that we can see and know that's give us the most good.

Mr. President you made mention that our Constitution is robust and healthy. It is so at present Mr. President, but members, at least some members have been thinking about a few minor amendments to our Constitution. What ought or to be in our Constitution, we know under the law that we have now as existing Dependent Status, we got a lot of people in not Island but now also, into for Dependent Status, and it doesn't take five years very long to turn up, and we do have people that are living in this island are very serious about standing for election in years ahead; and one of the biggest mistakes that this government could make at this time is to see more than Dependent been sat around these tables, and occupy these chairs to run this island. The day in my opinion Sir that it starts falling out of the hands of the very born Caymanians, that we're headed for muddy waters. I am not saying that there - shouldn't be a possibility of finding an individual that is whose heart and interest and work might not be for the Cayman Islands and its people, but that's too much of a risk to take. The majority wouldn't, and I think every effort ought to be made that we retain this as a part of our liberty, that we can stand on our own ground, on our own land, and not to be dictated by someone else.

Under the Caymanian Dependent law I don't know whether the Caymanians are getting protected or not, there is such discrepancy there. It is hard to wonder why it should. And Mr. President we on members of this honourable House, the people of the community can see these things, they know it. The Planning Authority is the same way, one applicant can get battered to a frazzle, and another applicant on the same grounds on the same basis, almost free sailing. I'm not quick Mr. President and those are the things that hurt, there are the things that hurt, and these are the things that create these unhappy feelings, and they will breed some harm,

Mr. Chappell (Speaker): (cont'd) Mr. President I think that what little I know where you have got a glimpse of certain arrangements and things. But for one last thing, I'd like to mention I see in the Bills that probably will be coming before the House in the three last sittings, I see there one of these arrangements which were most gracious of you to send out such information to Members in connection with this type of business that Members will be faced with at the different sittings over the next nine months. And in our next sitting I see there a Motor Drivers Indemnity Bill will be coming before the House in that something with this motor insurance business. Mr. President it is very true any the business establishment in this island that has taken the people for a ride, it's been the motor insurance business. That is the impression was developing again, even though I didn't accept it. When it was introduced to the House there was someone brought in to pilot this Bill as it were through to perhaps the way it works and what it would mean. And what would be all the possible of it. And we were assured without fear or favour that the highest rates at that time would be paid on any vehicle, commercial, private or what not. On the commercial side of it, the bigger vehicles that were then on the island the most that their premium would be would be thirteen or fourteen shillings.

Mr. President we were then thinking along a Party system, I said to the leader of the Party of the one side that I was in, I said he's against this, he said no, I said no more. Since October one of our members was then a member he asked that his objections be recorded that he was against this, and we were the only two members. I didn't have my objections , but we were the only two members that had any inclination of opposing this, and we have suffered relatively with this business. When it came into effect, when we asked for an insurance on a five year basis, on a five ton truck as we would rate it then - we don't insure that type of vehicle, if we did that that vehicle would cost you seventy five to a hundred pounds. But we were assured that it would not exceed thirteen pounds - about . So the years now just been going like very many stamps. The older your car or vehicle gets the higher the rates go. You don't have any claims, your rates still going up. I know what they have their argument on, we have a lot of cars we have to pay for - nine don't have to pay for that but also but when you insure the many drivers that have washed up the first, second, third and fourth cars, then even you expect us to pay for it. Not is that justice? And Mr. President I do hope in your wisdom that you will do not. This and put both sides personally with that, and that we'll be able to do something about it. Even now we have competitive insurance here, they have a license, they operate a motor vehicle insurance business - I went up to one of them a few weeks ago, what would it cost to insure a car now, they, they that type of vehicle, we can't insure a bus. But they've given a license to operate a motor insurance business, but they've privileged to pick it by phone and insure who they want, and when they want. Is that the kind of business that we want in our country Mr. President? Every cent of the money is sent out of the country, what are they doing to help there? The country? To government retaining a certain amount of this profits that it could use to help develop the country? No, just leave them with it, sucky up because the cake is filling, the cream is cream, let's make harvest now. That will come to an end Mr. President, the public is going to explode with this motor insurance business. It has been long enough, and I feel that something should be done about it. Certain, to a lot of the points they are not against , comprehensive policy, what they are against is the continual clamping of rates, and so many working no claims, is the hateful more than it. And I assure you how so many of these rates are justified.

When I bought .. six years and a half years ago, the farmer now I recall, I had to insured Comprehensive for two hundred and twenty five dollars, the next renewal time it would be two hundred and thirty five or something. I made no claim, but no nothing. I asked another agent, the car is now four years old now, he's down on a quotation of three hundred and thirty five dollars. I went to another, he gave me a quotation it four hundred and thirty five dollars, but the same car one year old. I said I'd

MR. [illegible] (CTWTB): [illegible] here, and recall it not. Mr. President it was [illegible] wrong for this business getting such a difference in premiums or rates. I see, in everyone itself, let's say let us then all we can get at this time.

The bus that it's driving is a used bus, which it came out from the Senate they had [illegible] Third Party Insurance on it. And their full Third Party was equivalent to [illegible] 1955. And then the policy wasn't applied, they refund six fourteen dollars, so insurance here would have done that - the cost which I am paying the third insurance for CI$250.00, if it [illegible] something which, then Mr. President the car won't [illegible] this evening. So I hope sir, as I said you will look into both sides of this, the Insurance Agents, which their role of it, and weigh the side of the grievance to the public. Because I can assure you sir, it and when it has to go [illegible] I will be in it.

Mr. President thank you very much for your time and patience and [illegible] with me. I again [illegible] assure you as in your capacity you will have my whole support in every effort, [illegible] thing, and every work. I'm prepared to go [illegible] hands, heart and shoulders to make this Cayman Islands the place that we would like for it to be, a happy [illegible] place, in unity, and enjoy the change that we are working for. Mr. President I do trust that you [illegible] in office [illegible] in this term and which I hope will be very [illegible] to it; that you will not be pulled to where you might have to take a first [illegible] decision on your own. And I think Mr. President I can [illegible] that you have the backing, you have the support of not only the Assembly, but the public on the whole who [illegible] have reached out and touched. And they are prepared to follow you, stand by you, and back you in any of your efforts. I thank you Mr. President.

MR. B [illegible] BANKS: Mr. President, having been away for some days, my remarks will be rather brief, but there are two or two points I [illegible] the [illegible] which I as responsible, that I felt I should touch on.

I must say that in some conversations with the the speakers when I heard, when they began to speak I thought that we were witnessing a transformation, and indeed I wonder if there had not been some [illegible] going on. But as time progressed I found out that that was not the case. We are faced with the same [illegible] and with that we have been faced with in the past. Like there has been some reference in mythology, and in case any member might be at a loss to know what hydra-was - In Greek mythology it was a nine headed monster slain by Hercules, and when anyone of its nine heads was cut off it was succeeded by two others, unless the wound was cauterized. Now what seems to be happening in this Assembly is that members don't realize that the wounds are being cauterized, and they are still putting on, as though the two will [illegible] were replacing the one each time it is severed.

The last speaker began by saying he would have hoped that members of Executive Council would have spoken first to give indications of what they had done, and of what they planned to do. And Mr. Speaker except for matters which are personal observations in this Speech, and which can be clearly delineated this is exactly what this Speech represents. When [illegible] plotted the position [illegible] Cayman Islands as at March this year it is what was [illegible] deliberated and examined, or started in each department under a portfolio an Elected Member or one of the Official Members in Executive Council. And the plans that have been outlined for 1972 likewise represent what each department hopes to achieve. I'm mentioning this to show the misunderstanding that seems to exist in this Chamber.

Similarly, I'll go back to where I came in on the private Bill, and that was what the Second Member from Bodden following the First Official Member of ours [illegible] yesterday morning. And I think this would have been quite a good consideration in the Throne Speech had he finished when he fixed the responsibility of members of Executive Council, and then added that change has been so rapid and effective since 1972, that he himself even like the rest of us was at most loss at a time to find out where he was at. And moved about the need for leadership, what leadership

HON. B.O. WEEKES (CONTD): ic, and all that is known now. But instead of that we heard scathing blue.

Now exception was taken about the number of bills that are proposed to/put before the House. And quite rightly Mr. President you mentioned in your Speech that our financial affairs are out of date, and unless these are put up to date we are likely to lose our way. I think most of us would understand particularly that financial statements are just one year, and if you try to use the tables in this year for next year you'll likely to get in trouble. And I take an apologies for the fact that some of the bills listed was in the portfolios for which I have responsibility - The Juveniles Bill, Wards Rehabilitation Bill, Education Bill, Minimum Wages Bill, and I would include the Employment Bill. And I would go further to say that it is my sincere hope that I can see on this Session 1977, if not 1978. I look now in particular that I would like to see added to it.

The Second Member from Bodden Town Emphasized the fact that we were spending so little on the maintenance of Juvenile Approved Schools in Jamaica, and I really wonder what was the point of that contribution. I would hope that there was no amount under that heading, and the fact is that why there is such a small amount because during 1976 two only juveniles were sent to Approved Schools in Jamaica. Mention was made here that the Probation Service was over loaded, my information are that six juveniles only were placed under the supervision of Probation Officers during 1976.

Much was said about the National Council of Social Services, and I agree Mr. President that in the sphere of social services this is probably the most significant Government during the years. It is well known why this Council was established, it was established to co-ordinate and promote the social services in the Islands, to try to help in the determination of priorities and the avoidance of duplications by bringing the various service clubs, youth organizations, churches, sports clubs, and government social workers together. I don't think anyone can deny that in the past there have been unnecessary duplications of efforts.

I was disappointed too Mr. President to learn that the only approval benefit some members saw from the introduction of a Radio Station in the Islands was that there would be announcements of members' activities. And I was also perturbed also I member said that he wondered why the sister media of television was not mentioned, and expressed the opinion that that was due to the fact that television would oppose with the various private dollar, and that she would never see television in the Cayman Islands until there was a change in government.

Now Mr. [illegible] and as far as I know the member responsible for Communications has on previous occasions gave clear and quotient statements why government had not allowed to introduce television at this time. Furthermore Mr. President the member responsible for Communications and myself are to my knowledge the only two persons in the government who have interest in the motion picture industry in the Cayman Islands. And I would just like to say I don't [illegible] this need saying. I think I can stand on my performance and answers, but I would say that I have never in my public life made any decision based on personal consideration. Nevertheless I hope that the statement that was made yesterday does not go unnoticed, because I think it is a clear indication of what the situation could be if the shoe was on the other foot. In other words what I am saying Mr. President as a man thinketh so is he.

MR. G. HAIG BODDEN: On a point of order Mr. President, Standing Order 38 - the Member just not impute motives member.

HON. B.O. WEEKES: Mr. President this is what I am calling attention to. I thought the member would have thought of this yesterday.

HON. D.O. JENNER (CONT'D): Now I understand Mr. President that members - I'll get on to Education, one member said that the Comprehensive System was a failure, that was a categoric statement. I understand that another wondered whether there should not be a complete dry docking of our educational system. And I understand that quite a few were at a loss as to what were the implementations of the Certificate of Secondary Education.

Now Mr. President in the opening of my remarks I mentioned that there were certain general observations on this Speech for which members charged with the responsibility could not and would not take credit. And I would refer members to the observation on page 4 regarding the High School, where it said, 'Anyone visiting the School cannot fail to be impressed with its organization, the calibre of teaching and the attentiveness of the pupils.' And it went on to say that this is also true of our primary system.

Mr. President it is true that our system of education at the Secondary level can be said to be on a comprehensive model, but to say that because it is argued elsewhere that the Comprehensive System has failed, it is also a failure in the Cayman Islands is to beg the question. The decision to go comprehensive in Cayman was based on the fact that it was more economic to build one well-equipped secondary school than to build two schools with their duplication of equipment, staff power, sports and many other things. It is was also considered to be socially desirable that this should be so. And I can add to your observation Mr. President, the people who have visited the school from abroad in recent times have said that the school in their opinion is comparable in quality to anything they see in the metropolitan areas. Children who transfer to the school from Canadian schools, American schools and elsewhere have nothing but the highest praise for the school. I think that we are off to a good start finally and we should not just cry "wolf" to make sure that the school does not succeed.

Now why the Certificate of Secondary Education? When the two tiered system existed in the Cayman Islands, that is the Secondary Modern and the Grammar Schools. Children at the Grammar School were able to sit the G.C.E. examinations, and I believe unnecessarily were made the case at the Secondary Modern to sit the Cayman Certificate of Education when that existed. But the truth of the matter is that Certificate had to take ability, and in fact the examinations were cheaper also. We went to the Comprehensive System and as is the case in any school of this type there are children who are not of highest academic standing, and they were unable to sit the G.C.E. examinations. But we had an unfortunate situation where every child who reached the fifth form was graduating as they called it, and were getting a certificate. This bothered the Department and in fact last year we insisted that if each child was to get a certificate the level of achievement was to be recognized on that certificate. That is whether the child had not G.C.E. exams or not not, and as in fact the case. We felt that to give the same certificate to a child whether it achieved significant success or whether it just got in the required time in school was not fair to the employers. It was not fair to the labour markets so we overlooked for an examination, and we came up with the solution of the Certificate of Secondary Education, and I succeed to assure the member who thought that this was based on expert from overseas that this was a decision taken locally. The person who visited the Island in this connection came like any other merely to familiarize himself with the situation. What existed so that he could better carry out the functions that were required of him.

Now having said that I want to make it quite clear that the Certificate of Secondary Education is a very versatile examination. There are three modes to the examination, mode one would mean that the children would sit an examination prepared entirely by the Authority in the U.K. Mode two would mean that the children were examined externally by the Examiners in the United Kingdom, but that the local authorities would have an opportunity to suggest changes to the set curriculum to suit our local needs. The third mode would mean although still monitored from overseas it would be done by local examination. Now the Department has settled firmly on mode two, that is an internal but with input from an external examination

HON. T.O. EBANKS (CONT'D) done by external examiners of the system going to do what we would want it to do. Because to be done locally in a small place I am afraid that some there would come in for a lot of criticism. But in order that students might have the best of two worlds...for example that in studying West Indian History as well as European

British or American History as the case may be, and in Geography likewise it means that they would increase or approve a syllabus in those subjects for the local schools.

Now there are also various levels or grades at which a pupil may sit these examinations can be passed, but so where the real profitability of the examination comes in. Because we are not doing away with the General Certificate of Education Examination, this is an additional examination and an extension to our system. But if a teacher is of the opinion that a student perhaps is not completely up to mark to take the G.C.E. O level, the teacher might suggest to the student that he takes two subjects at the CSE level, and if he is successful at grade one level this is equivalent of an O level pass in the G.C.E. examination, so if the teacher has misjudged the student in any way, the student has not lost anything. The idea of examination is also a broader based mode of examination, it is not based on a single written essay examination. It's not sat on a single day, there are several papers in each subject, so that a child is not penalized if he happens to be a bit off colour one day because he didn't sleep well at night, or may be he didn't have a good breakfast that morning, or something. Part of it additionally is oral and so on.

This type examination has been going on in the U.K. for ten years, it is accepted by the universities as part of the matriculation requirements. Children who get passes at the grade one level can go on and do A level studies in the subject. And in fact it might be of interest to this House to know that when some breaks took me when introducing this examination a local person who has a child at school in the United Kingdom told me that he was glad to hear of this, because in the case of his son, he had been advised to take History at CSE level instead of G.C.E. level. He obtained a grade one pass, he went on to do A level work, and that is consistently his best subject in A level studies. So in many respects you see the advantages that this second examination gives.

Additionally in CSE there are seven different subject areas in which the school is offering candidates. I hope I have Mr. President succeeded in making it very clear that we are not in any way doing away with the G.C.E. exam, we are not changing our system of education nor anything else. What we are doing is introducing a new system of examination an additional system of evaluation and examination.

Much was said Mr. President also about the garage, I think it is well known that this service although no one could be completely satisfied with it is being improved, and I would also mention that members would be well aware that the Government emphasized equipment during this year, instead of two trucks we were told we could get one and unfortunately already we have had to recondition two to make sure so that we are almost back where we started as far as vehicles are concerned, but we can only do the best that we can with the tools that we have. But I confess, and I must defend the department in some measure, and that is with its organization, because I feel that the department is well run, the personnel do get around and about, and are aware of what is going on, and in fact with the assistance of the service clubs they're doing a good job of repairing the derelict motor vehicles.

There is one point that I don't want to miss Mr. President and that is the amount of mileage that is being attempted to be made out of the fact that you mentioned in your Speech, that you had established a Committee under the Chairmanship of the Honourable Attorney General to examine the whole question of establishing the Cayman Islands as a port of registry. And I think I would like to read what was said in the Speech. We must be quite clear about we're talking about. Because talk is

Hon. M.O. Rivers (Interjecting and some people seem to get over-heated easily. Two others on it, and I want to [illegible] the previous statement. The paragraph on that reads as follows: "The Attorney General has agreed to be Chairman of a Committee which I have established [illegible] His Excellency the Governor [illegible] examine the whole question of re-establishing the Cayman Islands as a port of registry. This is [illegible] of a long period of examination by the Government and accords with the spirit, if not the precise terms of a recent motion introduced in this House." And while I may not have the text of that motion before me, I am sure members will recall that that motion not only dealt with the Cayman Islands as a port of registry, but it also embraced other matters such as the establishment of a technical school, certification of engineers and so on. But it was confined in that positive terms in fact if I had been presenting the motion and was so certain of my facts as that motion appeared to be, I don't think I would have asked for a Committee. I think I would have brought a Private Members' Motion to see to introduce the Law right away. But I am sure that members realize that it isn't that simple. And furthermore as has been said here [illegible] in our new Civics. This has been explained time and time again by previous Speaker, in fact I recall that the Chamber of Commerce many years ago set up a Committee to study this as to make recommendations to government, which was done, and they didn't have the right man either. As far as the content of the Speech that accompanies the Resolution, I had the Leader Mr. Rivers in my brief case at the time, in which a [illegible] was based. It is not a simple matter, I hope that it can be achieved, but it won't be a [illegible] exercise.

Mr. President, during the course of the Member's deliberation the view was expressed that the member hoped that I would be able to say whether or not a certain book was in the Library at the School. I'm sorry to disappoint the member but school is out of session, and on such short notice I cannot give him that answer. But I can say that I have on very good authority that if any person is interested in reading the book [illegible] in the Public Library, and has been there for many years. Now I would not deny it categorically that the book is possibly in the School Library because I know that the school recently purchased a used library, a personal collection of books, and in the opinion of the responsible people they got a very good bargain, those I don't see properly maintained, shelved and catalogued, so I am not saying that that book might not have been among the collection which was purchased, since it was purchased as a lot. But I can say this, that whether the book is at the school library or not, it certainly has not [illegible] the attention of the remarks of the Honourable that good members might have given the impression that it did. Moreover as the book would not have been at the Library for more than a few weeks, if it is there. But school is out of session as you know, and I am not in a position to verify this at the moment.

You quite rightly said Mr. President that the idea being expressed regarding [illegible] Committee was an idea that had not yet been discussed in Executive Council, and it was a personal idea. You also said that it was a matter which called for careful study and discussion with the people. I agree that this is a good idea, but I would underline the context in which you mentioned it, that is that it is an idea that needs careful study, careful discussion with the public and very careful understanding of the implications and any legal provisions that might need to be taken. Because it could be a two edged sword.

The question of [illegible] authorities, while it has worked well in some countries has also been the downfall of others. For example it is certainly what is responsible for the disparity in the quality of education in some American counties or cities as compared to the other, where education for example is supported by local taxation, therefore in poor counties there must be poor opportunities. And unless in our own setting we clearly understand the implications for sharing of [illegible] revenue and assess it could bring a lot of dissent. For example one member quoted what could be done in his district with the collection of house duty by the collection of poll tax.

Hon. R.G. Nunweh (Frobisher): ...now if my figures are correct, and the estimated population for this district is right and it is based on the 1971 census figures which gave the population as I have a total of nine hundred and seventy six persons, and it's estimated that in 1974 it would have fourteen hundred and twenty people, I am being cautious and I would deduct twenty five percent for those below transfer age, and then that would leave ten hundred and sixty persons, and I would assume that the population would be at least equally divided between male and female. And since transfer is per head basis and these people it is reasonable to say that at least half wouldn't vote, so that would leave five hundred and thirty three people at ten dollars, would be a thousand and sixty six dollars. I don't know how many votes there are at twenty cents a head, or fifty cents whatever, but I doubt that the number would be that meagre budget at all if the airport better than it is today. When one takes into consideration that that airport is zoned three sittings a week every week in the day one or the month the Centre visits the district with the team, so on that week you've got five full days, because in the alternative the team visits the shelving, and hence to other public to the matters. So let us be somewhat that we - sometimes you have government members are accused of losing sight of what goes on in the districts because of things that go on at the national level. But we will recall that although they members prove themselves on the research that they do before entering into session, we will recall that the examination made in a certain manner that the flight was of the two just referred was only started on Thursday, that happened on this session. And certainly I am occupied on a national level but I know little bit about what goes on than this, as we have to watch for these dangers in this, and it is also strategy very well. And mind I don't want to give anybody the impression that I am throwing cold water on this idea, I think it has a lot of merits. But ... merely relying statistics that are in the Throne Speech, that is needed careful consideration, very careful planning, and a lot of discussion to understand what we were getting into, and to understand the basis on which any local council ... is financed.

Mr. President I would like to thank most members at least those that I've heard, they were complimentary in some respects, to the Health Department, Medical Department, and I know that within the very near future we will be having into our new buildings, with better management, so that we can better cater to the needs of the people of this territory.

Having spoken the way I did Mr. President I don't want to leave the impression that I am in any way trying to detract from the style of your Speech, and I would like to join those who have commented and paid tribute to the way it was presented. I would like to assure you and assure that you can depend on my wholehearted support, cooperation, and when the time comes for decisions to be made I will carefully take them to the best of my ability, and what I believe to be in the best interests of the country and its people. Thank you Mr.

Hon. Mrs. Sorensen: Mr. President and Honourable Members then the last speaker I will also say that I was among one of many people last week to hear the delivery of the Throne Speech, and also to hear the debate thereon which took place afterwards during the week.

I would like to offer my comments to you Sir. The preparation of such a document is not such a simple task as all that, it takes a lot of time and effort to gather information and get it together. I therefore compliment you on the effort to produce such a positive piece, as it was so rightly termed. I am not going to take part in any political speech, I only want to make a few points and say to sit the ball off.

Mention was made during the course of debate regarding the land applications now being implemented by government. That is the Rent Project, the Administration Building, Road Programme and the Airport

HON. V.C. BIRCH (CONTINUED): Last ... Finance these projects a law was introduced in this House seeking approval to borrow ... in the sum of five million dollars. The law was introduced in March 1973, and the Government, the rest of the project was made in late 1973. Mr. President it is not a matter of deceiving anyone as far as the cost of these projects are concerned. I am sure that all members of this Legislative Assembly are aware of the rise in prices all over the ... Since peace, inflation has been terrific and escalation ... prices ... have been beyond control.

I would say that escalation in cost has risen at the rate of approximately twenty five percent over the last three years, and certainly from the time that the first estimate was made on these projects. And it goes without saying that if escalation was at the rate of twenty five percent per annum compounded the projects would rank twice the figure today. For instance the Port in late 1972 was estimated at 1.25 million dollars, well in fact the four parts were estimated at 1.25 million each, making a total of five million dollars. The estimate today some of these prices are fairly reliable prices are as follows, Port 3.01 million dollars, the Administration building 2 million dollars, Hotel 2 million dollars approximately, and the Airport Terminal building ... million. Not yet. These figures total approximately ten million dollars, and if the cost of these various projects would escalate at twice over the three years to double their original cost then that figure is fairly correct. So Mr. President I am pointing out that ... am not safe to say that we are safeguarding us about increased cost when considering these projects. It's a matter that rests in this vicious circle in the escalation and prices over which we have no control.

Having said that Mr. President I would like to mention that two of the projects that is Administration Building and the Road Programme are now being financed by a local consortium ... of four main banks. It is hoped that there will be no difficulty in completing these projects. The Road Programme is ... at this stage because there have been quite a number of delays in starting construction and this was no fault of any individual. We hope that the programme will be completed within a reasonable time, and the cost of the project will not exceed the sum ... estimated, that is one million dollars.

... project is just given us start. Last year Caribbean Development Bank were undertaken to finance this project. Agreed to finance it at that time to the tune of nine hundred and seventy five thousand dollars out of a sum of approximately one million two hundred and ... thousand dollars. The rest of the money was to be found by this government. This was based on the ... estimate of the cost of the job, and as ... in was approved by Caribbean Development Bank, and new consultants were appointed to prepare final drawings, and tender documents. And fortunately when the job went to bid the contract ... was surprised all concerned, and the price at the present time ... exceed the original pricing calculated by the consultants. There was ... main which was the original project and there are additions to it, the main project is now priced at ... one hundred and thirty thousand dollars. There are additions that is a northern extension of the Port, the main project, and a ... administration building both costing ... approximately one million dollars.

Caribbean Development Bank has ... examined the project this was the reason for my visit to Barbados last week, where the matter was being discussed at the ... Board of Directors' Meeting. Caribbean Development Bank has agreed to finance the main project, that is the project that will cost 1.4 million dollars to the tune of one million two hundred thousand dollars. This will require the Cayman Islands Government to find a sum of one million two hundred and thirty thousand dollars to make the total of three million ... hundred and thirty thousand dollars. In fairness I would say that Caribbean Development has made a fair offer to the project, because the loan which they have approved, that is the two million two hundred thousand dollars is made up of some ... million five hundred and forty thousand dollars, that is at a rate of four percent interest payable over a total period of approximately twenty years. The ... million six hundred and forty thousand dollars is granted

[illegible] V.C. Bird[illegible] eight percent payable over fifteen years excepting the period of construction. It is now for this government to conclude agreement with the consortium, and to get along with the project.

As the Airport Terminal Building costing [illegible] million has been included on this project, but an application is also before Caribbean Development Bank for the financing of the amount being requested is approximately two million dollars Cayman. But the financial arrangement will be dealt with in due course. And that is the position [illegible] at present time Mr. President in terms of these projects.

I really don't help being critical of the level of revenue, and the [illegible] when I hear criticism of the level of revenue here in our country, and the observation that the person is well over [illegible] sufficient, all that privileging criticism further examination I would perhaps agree that the present level is adequate, because otherwise we may have to investigate new areas of taxation. But nevertheless with the escalation of prices taking place [illegible] day to day, it is expected that most of services, labour and wage will continue to rise, and that therefore the level of expenditure will continue to rise as well. But on the same token the level of revenue will also rise, because as imported goods cost more so would it produce more revenue. And so there are both sides of the ledger to look at, and one have to simultaneously with the other.

Mr. President mention [illegible] was made as well concerning on the Jamaican currency, the fact that the Cayman [illegible] should have certainly a currency tied [illegible] equivalent to the American dollar or slightly below as in the case of other countries for instance the Bahamas. I'm sure that those members who've been here before the introduction of the currency will remember that this is exactly what the Cayman Islands intended to do, that the Cayman dollar was tied [illegible] value equivalent to the value of the Jamaican dollar. And everything was not [illegible] in to be this way, the law was amended in this way and all arrangements were being carried out fast in this country. So, the currency was scheduled to be put in circulation on the first of May 1972, and in February 1972 the United States Government devalued [illegible] American dollar, and it placed us in a very embarrassed [illegible] position, and with very little to those even. And the simplest solution to the problem was to continue the then currency status quo which was a ten shilling dollar. This Mr. President was accepted I know in good faith especially locally [illegible] merchants and business people because it created no confusion and no particular arrangement for the change over. All prices continued with the same values, and the Cayman dollars was valued ten shillings instead of the proposed eight and four pence dollar.

It did affect the tourist industry because [illegible] especially American tourists coming here are not quite aware of the problems or the complications in currency valuation, even though they have had quite a lot with their own currency they still expect to find Jamaican which are named dollar to be equivalent or below the value of the American dollar. Well this is unfortunately not so here, and it was not deliberate, it was created so by difficulties with the Jamaican dollar itself.

Mr. President I heard mention in a debate concerning Civil Servants being out in favour of protection of certain activities in the Sister Islands. And I don't know what prompted these remarks, I am a Civil Servant and I think one of the present problems for development in the Sister Islands have placed undue responsibility, and as far as I'm concerned I have been everything possible to produce it. And speaking about Civil Servants' interest I went back to my Budget Address on the 3rd of December, 1971 when I made a bold attempt to position the Civil Servants' salaries in such a way that it would be equitable and I said then. Apart from our Secretaries [illegible] the time when the people were having a lot of difficulty with the air services arrangements, Cayman Brac seems to be faced with a serious social and economic

Mon. W.A. JOHNSON (cont'd).problem which requires some thought. Because of a stagnant economy disposable of citizens' earnings and a two-fourth of the population is decreasing. The tourist trade has made little or no progress and foreign investments are not very noticeable. As proponents of a livelihood mainly people are looking elsewhere for employment and in some places to take permanent residence elsewhere. The electricity light company is now planning extending electricity along the entire south coast, and although this seems little economic sense the project must be encouraged so as to provide labour and some incentive to development. Likewise Government must provide a bit of employment for those who must stay at home. Representation is being made under Development Aid for the construction of a small wharf in Gyrl I.r the purpose of erecting chalk plants and also to provide better access for agricultural purposes. The reconstruction of the airfield in Gyr, will also help. That was delivered in this Assembly Mr. President and it goes to show that Royal Servants did by great amount of interest in the economic situation existing in the smaller islands at that time.

In my account visit to Jamaica I examined the financial position of the airfield service going to Barbados and I discovered that there was going to be a shortage of some fifty four thousand pounds in approximately a hundred and eight thousand dollars under the present programme of administration, that is the rehabilitation of the Cayman Brac airfield. And I have put the case to the British Government for supplementary financing, and I am happy to say that the Development Division in the Caribbean will recommend the application to London.

Last week there was some question arising in the Gazette concerning Cayman Airways Limited, and the accounts for 1973. Apparently the people thought that the disparity between the high revenue intake and the expenditure produced a very small income on investment. Well this is quite true, but members will remember that Cayman Airways inaugurated the Cayman/Kingston service and operated it for a few years with a shortfall each year. And that the first profitable operation it moved into was in 1972 when it established the Brac/Cayman route. Full in the first year of operation there were quite a bit of losses suffered over the previous year it is written off, but by the following year the end of the '72 - '73 year members will recall that the company declared dividend of the sum of a hundred and thirty five thousand dollars. The government's portion was received and is placed to a reserve account. I do not think generally that the company during the short period of operation especially the short period of operation on the airfields across has done badly. If business had continued perhaps there would be happiness from abroad, right now the situation is not very rosy, because of two factors mainly, one is the recession which has had effect on traffic into the Cayman Islands as you have heard from the number responsible for tourism. And secondly because there is another carrier sharing the traffic route. However we do hope that at least Cayman Airways will continue in operation until the situation improves.

The member suggested that perhaps a sum of money which is paid for food and drink on the flights could be reduced. Well that had been discussed at a Directors' meeting not very long ago, and it was the strong feeling of the meeting that this was the only inducement which was offered by the air line, and that we perhaps should not deprive passengers of that [illegible] Iata Arrangement that is International Air Transport Association to which is a society of that association that dinners and drinks without payment for same. But because Cayman Airways not being not members of Iata they can dispense have drink free of charge, and this has certainly been an attraction to those who travel. The little snack that is served I think it is something which passengers look forward to in any airline they travel. Sure [illegible] here it could do more, but nevertheless the majority of people that travel to the little snack, and therefore the Board of Directors thought that it would be most unwise to remove that bit of inducement to passengers on flights.

Another question which was asked was regarding the license at present by Iacsa, that is the plane [illegible] now used by Cayman

MR. [illegible] CAYMAN [illegible]:-Always, and whatever Taca pays for the use of the plane which it is used, and we answer is 'yes' Lacsa pays for the plane at the same rate which Cayman Airways pay.

Another question was if any of the flights were cancelled would the rental of the plane be reduced. And unfortunately there is doubt as to whether this would be because the arrangement is that Cayman Airways leased a plane from Lacsa which means that the plane is always at the disposal of Cayman Airways. However there is a fixed and fixed charge for that facility. When the plane is used then there are other charges covering fuel and maintenance and the rest of it. So it is not possible to answer the cost of the rental when fewer flights are made because if fewer flights are made then new arrangements will have to be entered into for the leasing of a plane, and I don't know whether this will be satisfactory. Because Lacsa will recall when Cayman Airways was using the plane on a per flight basis, I may have my hat to wait to be allowed flights to connect our network/flight Miami/Cayman, and there was a lot of dissatisfaction over this, and for that reason Cayman Airways had to enter into a time arrangement by lease a plane to be placed at the entire disposal of the country.

Mention was made that (I can't remember the word) but it is important to us where we stand in terms of Tax will be a consideration. But, Mr. President I would like to say that a Property Tax or a Land Tax are other considerations long before Additional Survey are introduced. For the only reason why it was not pursued was when the Land Registration system was being introduced an assumption was made that one of the reasons for the Land Registration was in order to introduce land taxation, and no government has placed the proposal on the order paper because of that. But I can tell you that the original thought was to introduce a Property Tax. I don't know what the intention is, its altogether different. Even a Land Tax Property Tax will be a tax imposed on offices, private residences, and hotel and other business buildings.

Mr. President, there are other points to mention which I do not make any note of, but I am sure that they were covered in any way or another by other speakers from the Government Bench. I would like to say again that I admired the presentation of your Throne Speech, and I am hoping members will take the opportunity to deal with the question of government. Thank you Sir.

HON. G. [illegible] JOHNSTON:- Mr. President and Honourable Members as last man in the batting order, I have no intention to play for a draw or to bat as night watchman Mr. President, but simply to give a quick knock and get out. So I do not intend Sir, Mr. President to spin out these proceedings any longer, but I do feel that I cannot allow the occasion to continue without expressing my appreciation also and thanks for [illegible] delivery of your Throne Speech Mr. President. And if you will, permit me Sir to say by a would like to say that in my opinion it was a model of conciseness in as much as it comprehensively put in a simple a review the achievements of the government over the past year, and new prognosis for 1975

I do not intend Mr. President to range over the entire area of your Speech, but simply to restrict myself to the area which concerns my Constituency, that is to say Legislation. And in this respect I shall simply deal with the legislative programme for 1975 and onwards, which you so kindly Sir, graciously referred to in the circulated brochure of your Speech.

Apprehension was expressed in some quarters as the volume of the legislative programme at all, but Mr. President if members would study the time necessary it will be seen that the laws proposed are no more than what is considered to be necessary and requisite for any developing country.

HON. U.S. MATTHEW (cont'd): Mr. President Lord Oxford and Asquith described the people of the Cayman Islands in his Constitutional Report in 1971 as a law abiding people provided they did not have too many laws to abide by. But Mr. President we've come a long way since that report was written, and with the sophistication which now exists in the social and financial institutions of this territory I think members will do, as with me that it is highly necessary that we should be most cautious which new laws, and those laws are indeed designed not so much to provide more laws for the people of the Cayman Islands to abide by, but indeed in order to protect them and the territory from possibly unscrupulous and unfair practices by persons seeking to take advantage of loopholes that at present exist in our laws, and in the simplest form in other instances of necessary legislation.

I have read the Mr. President an article appraisal as "Time" magazine in which it was implied that there were no laws in the Cayman Islands, and that as I see could go there and do what ever they liked with impunity. Mr. President those laws are designed to create a very local system for the islands a system which is super ed I would be a made exception to any entrepreneur who may think that they may come here and do as they like with impunity. They are designed Mr. President specifically in nautical terms as you Mr. President did in your address Speech to provide the bar with the flexibility through which the good ship law is given, and to provide proper markers to prevent the ship from running on the shoals and on the rocks which abound in such profusion on all sides, and to enable it to come into a safe haven.

Mr. President the programme may seem to members to be a very heavy one, but as you said in your speech Mr. President the possibly our only be occasion meeting four times a year to process so much legislation, and it is important that some should be paramount as that low priority bills do not take precedence over more urgent legislation. And although the programme seems heavy Mr. President I can assure members that they will be taken in easy steps, and that members will not be pressured into taking portions of the legislation that they may not comfortably digest. Members can rest assured that there will be no haste in passing them, save through the House, and that there will be ample opportunity in the Committee stages to support any amendments which may be considered necessary and appropriate.

Mr. President I have had my knock and I think we can now declare the morning closed.

HON. PHILIP PIERCY: Does the honourable Member from North Side wish to say anything, or he content that the motion lies on the table.

HON. CRADDOCK ASHTON: Mr. Speaker, I think I'll have us leave it with you to wind it up.

QUESTION PUT that the motion be agreed SPEECH BE CLOSED: AGREED

HON. D.J. FOSTER: Mr. Speaker I now move that this House adjourn until 10 o'clock tomorrow morning

SECONDED BY HON. C.S. ANDERSON.

QUESTION PUT: AGREED.

AT 5.25 P.M. the House adjourned until 10 A.M. WEDNESDAY 26th MARCH, 1975.

WEDNESDAY, 25TH MARCH, 1970

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MAJ. THOMAS ROBERTS, CBE — PRESIDENT

GOVERNMENT MEMBERS

HON. E. V. AUSTIN, MBE, JP	FIRST OFFICIAL MEMBER
HON. C. B. MIDDLEMISS, CBE, QC	SECOND OFFICIAL MEMBER
HON. W. G. JOHNSON, ISO	THIRD OFFICIAL MEMBER
HON. R. O. EBANKS	FIFTH ELECTORAL DISTRICT WEST BAY (MINISTER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONNOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT GEORGE TOWN (MEMBER FOR TOURISM, LANDS AND MATERIAL RESOURCES, AGRICULTURE AND NATURAL RESOURCES)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT WEST BAY
MISS ANNIE E. BODDEN	SECOND ELECTORAL DISTRICT GEORGE TOWN
MR. CHARLES M. ORTIZ	SECOND ELECTORAL DISTRICT GEORGE TOWN
CAPT. A. A. ABELL	THIRD ELECTORAL DISTRICT CAYMAN BRAC
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. D. MACK [illegible]	FOURTH ELECTORAL DISTRICT BODDEN TOWN
MR. [illegible]	FIFTH ELECTORAL DISTRICT NORTH SIDE

ORDER OF THE DAY

WEDNESDAY, 20th MARCH, 1975

GOVERNMENT BUSINESS:-

BILLS -

(1) THE CURRENCY (AMENDMENT) BILL, 1975

(2) THE INCOME PERSONS (CHARGE AND) LAW

(3) THE SUMMARY JURISDICTION LAW.

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WEDNESDAY, 30TH AUGUST, 1978

10 A.M.

MR. SPEAKER: Please be seated.

Proceedings are resumed. We have three Bills under Government Business this morning.

CLERK: The Currency (Amendment) Law, 1978.

Introduction and First Reading.

MOVED BY HON. W. H. JOHNSON

SECONDED BY HON. D. W. CARTER

QUESTION PUT, AGREED. Bill introduced and read first time.

CLERK: The Currency (Amendment) Law, 1978.

Second Reading.

MOVED BY HON. W.C. JACKSON

HON. W. H. JOHNSON: Mr. Speaker and honourable Members, the Memorandum of Objects and Reasons of this Bill.

Not very long ago we received a communication from London, the Bank of England also indicating that the Currency Law, 1974 has been re-examined by their Legal Department, and it was discovered that there are areas which required a bit of amendment. And they encouraged the Government of the Cayman Islands to move ahead to implement these amendments. The first one deals with Section 11 of the main Law dealing with contracts to be in the currency which is legal tender in the Islands. When the original Law that is The Cayman Islands Currency Law, 1971 was introduced, the Jamaica Currency was then legal tender in the Islands as well as the local Currency which came into circulation on the 1st July, 1972. The Jamaica Currency was withdrawn from circulation on the 31st August, of the same year, leaving only one currency as the legal tender of the Islands, that is Cayman Currency.

The Law that is Section 11 of the Currency Law made mention of contract, note, payment, Bill, Note, etc., being deemed to have been executed, entered into, and in relation to the Jamaica Currency. Well the Bank thought that this should now be corrected, even though, the present Law, The Currency Law, 1974 also made mention of the Jamaica Currency. It was thought that this was an oversight at the time, and that we should move forward now to amend that Section, so that it could read as the new Section has it that as from the first day of April, 1979 all contracts and other documents etc., should be settled in the Currency of the Cayman Islands. As I know that there are many contracts and other documents, such as conveyances and other land transactions, which are also expressed in other currencies, that is mainly United States Dollars. And this has been accepted from time to time as a custom within the Cayman Islands. And in order not to remove this facility the Section 11 goes on to say " unless it is expressly made, executed, entered into, dealt or settled in the currency of some other country". Which means that it allows the custom of maintaining such documents in United States Dollars to continue.

It was considered and thought to be a reasonable request for consideration, and as it is now recommended to you here in this manner.

The second point deals with the quantity of coins which may be presented to any one time, and to be within the term of legal tender. The law at present permits that any one person produce a sum of ten dollars in coins from the denomination of five cents upwards at any one time as legal tender. If one person exceeds that then one may refuse to accept that number of coins in exchange for goods or services.

The main point is that the Cayman Islands are now issuing proof coins, of a denomination beyond ten dollars. And legally such a coin would not be acceptable as legal tender, because if it exceeds ten dollars, then it is outside of the provisions of the Law. We have issued in recent times coins of face value of twenty-five dollars. There is an issue to be released shortly the Churchill issue, which will include a gold coin of the face value of one hundred dollars. Now if there is no provision in the Law to remove a coin or a quantity of coins beyond one ten or ten dollars to be accepted as legal tender, then these coins cannot fall within the provisions of the Law. And the Legislature here seeks to amend the ten dollars as stipulated in the Law to read one hundred dollars in order that when a coin with a face value of one hundred dollars is presented any where, it is acceptable as legal tender. I doubt very much that any one will present a hundred dollars in coin over pennies, because they are not that plentiful around. But the amendment is merely to take care of proof coins carrying the value of ten dollars now issued by the Currency Board.

Those are the two main amendments, Mr. President, and I would ask Members to accept the recommendations, these have also been examined carefully by the Legal Department here, the Attorney-General, and been cleared also the views of the Bank of England that these amendments be carried.

Thank you Sir

SPEAKER TO HON. D. V. FOSTER

QUESTION PROPOSED

MISS ANNIE M. BODDEN: Mr. President and Members of this House, after hearing the explanation as to why this amendment is necessary, I feel better about this matter. My friend who this time we all know from the time I arrived United States Dollars, while not a legal tender, was an acceptable currency in our country. And I feel, Sir, that this should be promoted and given credit, and we should never pass any law that would detour or make illegal this US Dollar. Until I was here that unless it is otherwise provided, contracts entered into, done, but or settled in the currency of some other country. I feel, Sir, that should take care of the exception. There are a lot of Caymanians when buying land they prefer to have the consideration stated in their own dollars. They say, I don't know if it is right or not, but in regard to terms only, when they have expended their money abroad in the development...

Well I don't suppose they know very much about our currency, and I feel that if this practice is allowed to continue, that a man buying property in the Virgin Islands can say, "Our deal is consideration of the sum of ten thousand dollars, 'United States currency', instead of the amount being listed in our Canadian dollars. It would be more acceptable. If that is an error, Sir, I have no comments other to make on the bill, unless it is in any way that I could be of assistance.

Thank you Sir.

MR. G. MAY DUTTON: Mr. President and Members, The Currency (Amendment) Law is a Bill which I can give some measure of support to. It is not often that I can speak a second time, but whenever I do I am saying it on a very genuine matter. I pride myself as being no hypocrite, and like the maiden from Dutch Hill, said yesterday, not afraid to open my mouth, however I may fall into it.

One of the main issues ever made by this Government was the introduction of our own currency. From the beginning this move had my full support, although I cannot claim credit for having engineered it. But while did this out of Government seek with my approval, but strange enough are very proud the Currency Board have met with my approval from time to time. I dare say that this Board is a model of excellence in our Government. It has performed its functions in a most satisfactory manner. From the scraps which I received recently, I noticed that the Currency Board has been earning money for this Government, the sale of great coins and other profits made from the use of our own currency is something that the Board can be justly proud of. The Board/as far as I am aware its whole in all of its decisions and it seems that the public, as a whole, has been satisfied with the major decisions that the Board has had to take from time to time, and I believe the whole world is proud of the high quality of our notes, and the high craftmanship of our coins. I would say that it is perhaps second to none around the world, with the possible exception of the U. S. currency.

Whenever an amendment is suggested to the Currency Law, particularly/that suggestion comes from abroad, I would say the Members should examine it minutely. I have examined these amendments in my usual thorough fashion, and for once I am in agreement with these amendments. I will perhaps be dealing with that in the reverse order and taking the last amendment first.

The last amendment, that is section 7 will be causing the Currency Law quite far right order, from ten dollars to a hundred dollars. The only criticism is that this could have been done a little sooner, perhaps four or five years ago at around one twenty-five dollar pieces. Nevertheless, it is necessary because people do have these coins bought in the beginning as a collector's item, but you never know when hard times will strike, and it may be necessary to sell these coins. I will always point out that I am never broke, because I was able to put up one of the twenty-five dollar gold pieces, and I never know when I will have to dig it out, to pay the mortician.

But there is another reason why we should increase the limit from ten dollars to a hundred dollars. The first reason is that we will have a hundred coin; the second reason is, that right now very transactions are taking on where the amount of coins exceeds ten dollars.

You have to stay behind the coin operated machines business is growing, and I believe that the situation must arise when the operators of these coin machines may be compelled to do business where the sums of money represented by coins will normally exceed ten dollars. What I am saying is, that in a month's time a coin machine will probably take in a hundred dollars, or hundreds of dollars, in fact I understand that pool tables average about four or five hundred dollars per month. Now the operator who takes that amount of coins from a machine may need those coins. If the machine was say, a drinks machine to buy for his wrist which he will put back in the way of drinks, and it would really be asking too much to tell the man that he couldn't have over eleven dollars for a few cases of drinks, if the eleven dollars was in coins. So I think we have daily rights here in making it practical for people to deal in coins in larger amounts.

The second amendment, that is Amendment "B", is highly necessary also, in stated in the memorandum of objects and reasons, to remove more explicit the legal tender provisions. It gives the Board the sole right of issuing legal tender. It sounds like a small point but to my mind it makes it very difficult for any one to issue counterfeit bills, I hardly see how they could get around this section. We do live in a small place but we should watch world trends, and what is happening today in the United States of America. In fact the Mafia and other organized crime syndicates are changing the emphasis from the old rackets to new ones, what I am saying is, that today the Mafia is not using the amount of ten dollar bills used in the past, they no longer dig you in the street, they do not tape your daughters as often as they did in the past, what they are doing is entering legitimate businesses, they have gone into the banking business, I don't think it would be hard for us to believe that these, they have gone into counterfeiting postage stamps, credit cards, money, they have used their money to enter legitimate businesses, they are now accepting bribes, solicitations for that matter too and may even also they own copyright, and because of this shift in crime today, we have to be careful in our think the issuance of our dollar from ninety, and this seems to me to be a very smart move but a move that I know the Currency Board is capable of, because from its very inception, as I said in the beginning it has shown that it can and will handle this matter of currency.

Amendment "A" is the one that bothered me, until I talked with the Legal Drafting Member, and until I listened to his explanation and also until I went back and read it another time. This amendment seems to me to be saying that for a document to be valid it must either be written in Cayman dollars, or the contract must expressly state the currency in which it is written, which is to mean that if a person is purchasing a piece of land, for the contract to be valid the document must say that it is eight thousand U.S. Dollars or it would say that it is so many millions, which would necessarily be Cayman dollars. What this amendment is really doing is making legal what has been the law, and if the law does allow contracts to be written, say in U.S. dollars, it would also mean that it would now be legal and acceptable for a taxi driver to take a five dollar U.S. bill from a passenger that he had brought from the airport, which in its way it should be, because many countries do not have stringent restrictions on foreign currency, those countries who do that suffer.

Recently when I was in Sri Lanka I was reminded to find out that if I did not check my U. S. dollar only in the regulations prescribed by the Ceylonese Government I would/receive... thirty-five cents for it. But the end result is that the people in Sri Lanka are in such a situation that they cannot buy most needed foreign goods, they cannot do business which they should do, the end result is, thirteen million people living in abject poverty, because of very stupid currency controls, and I believe that if they could get the loan of our Financial Secretary he could give them some tips on re-vitalizing their economy. For that I believe a government, like an individual, should do not only what the letter says, but should do what is practical and what will, within the limits of the law give the best profits.

There is a postscript also to this story. If you are being paid in U. S. dollars or the Fiji pound, or whatever currency you are used to, no matter what changes are introduced the person will forever continue in the back of his mind to value things by the standards that he or she was brought up with. What I am saying is, if a person is worried, unless here and then person is told that the article in the shop is fifty-nine cayman dollars, it doesn't mean very much to that person, unless that person can know whether he is getting a bargain, or whether he is being cheated or first has to make a mental conversion to find out what that fifty-nine cayman dollars is in U.S. dollars, and it is only natural that our Law should make provision so that when a person is purchasing a piece of land, a person can see on his document that this is gone buy or a bad buy, and Mr. President I am very happy this morning to be able to support these amendments, because they seem worthwhile to me, I am also happy that the views on contemporary conditions, I am especially pleased to be able to agree with the Government because they have perhaps in our, tenure in this session come a little bit too far with their recommendations, some their changes have been too sweeping and they have heard about that and will continue to hear it good time whenever they step out of bounds, but today I am in full agreement with the amendments to The Currency Law and our only reminder on the note that I trust the good wishes shown in this Law will also be exemplified in other transactions.

Hon. John M. Jeremiah: Mr. President and Honourable Members, I am at a loss. Sometimes I am wondering if at last the sun dawning or the day is/or the dawning of a new day. I looked this amendment over and I had written I rise in support of the amendments, but after I heard the views spoken of on the opposition Border Riding, using such expressions as he did this morning I had to sit down and look at it a second time to make sure that there was not something really wrong with it. The Member said that, this is one of the shortest moves Government has ever made/ the issuing of its own currency. I join that Mr. President. I remember when we thought of embarking on this course, there was with all other things, unfortunately that step - there is going to be cheaper, and maybe you are trying to save but there a little bit too fast. Well, I am happy this morning that we can stand here in an atmosphere which we have in this Chamber, to see that the issuing of our own currency has proved a very profitable programme which this Government can embark upon.

The Member said that it is a model of excellency, I could right by agree that it was performed its transactions well. I believe Mr. President, that I agree with the amendment and certainly I have to say that, so far as I am concerned, joining the other Banks, the Currency Board has been doing the job, and doing it well.

This morning I am happy that having issued one own currency has also given/not as we are concerned, given us accreditation, given us/flexibility, which I believe that these Islands need. I want to say that as far as the Bill is concerned the amendment to it is straight forward. It is unclear as to exactly what it says, Section '3' says the opportunity is taken to render more explicit the legal tender provisions of Section 12 so increase the permissible scope of roles provided by Section 13. in order to render legal certain rules as Master's pieces. I feel, Mr. President, that we have to be very proud that Government has embarked on a course to which all Members in this Chamber this morning who heartily subscribe, and have nothing but thanks for the fact that we are in the position that we are in currently.

There you very much.

HON. K. M. COBOURN: Mr. President and Members, I will just say briefly that the Bill, the Currency Bill or the Currency Law, is a technical Law and naturally from time to time these technical Amendments do crop up. We have heard from the Association of Officials and reasons so ably stated by the Honourable Financial Secretary, the Chief Official Member that this has become necessary due to the development in the Islands. I can see this and I am sure that it is an amendment that everyone can very well agree to. It must be quite a bit of consolation to hear Members referring to the introduction of our own currency as one of the most beneficial, profitable things that has been undertaken by this Government. I share that opinion, that is our and it is a very good move that we did so. I was also a little bit surprised to hear the Honourable Member from Bodden Town admitting that he had read this Bill a second time: at first he said he disagreed with it a little, and he read it a second time and he understood it, may be if the Responsible Member would take the same pains taken with the other Bills we would run into less problems in the House here. I believe that if we read these Bills the second time, and if we take time off to understand them they are not quite as bad as some Members would like the public to believe. Surely Bills whether they are amendments or whether they are introduced of new legislation cannot be every person entirely every individual in the Islands, but surely, and I think this is the purpose of having a Democratic Parliamentary system, that while we have to take full cognizance of the minority we have to accept the views of the majority of people, and I believe that is has been and I would hope that it will continue to be thereby and expression of the Government to put forth Bills with that in mind, with the interest of the majority of people of these Islands in the forefront, not the unfortunate. Mr. President, we have come a long way to start our own currency. It has been quite a technical piece of legislation and the time has come now for us to have a minor amendment in order for us to make some added revenue, and to still keep within the limits of the Law I feel that this is well, that we have put this forth. In the manner that it has been put forth, and I am sure that it will be supported.

MR. CHADDICK ABANG: Mr. President and Honourable Members, if I don't finish for coffee break I'll try to conclude for lunch break. We got this Customary Amendment now before us for a few minor amendments, as it were, while it reads a lot. But as to remarks that some by the Members of Executive Council if we read the Bill over the second time we wouldn't find so many provisions. When we read them the third time we get deeper and deeper in some of the things that we are told in most cases in the introduction of the bills now straight forward. I mean that reading a proposed Bill a second or the third, or the fourth time it's not quite call as well as you can better understand and find the good so you get the more chances and opportunity of finding loop holes. The remarks that my good Honourable colleague just made in such astounding support. In the beginning of the attempt first to move our own amendment, when though? He was not a member of this Honourable House at that time, he felt that it was of the utmost end of the best interests that this Government could undertake. It just happens not some of my friends yesterday that don't look at the people on the outside as being short sighted, and they don't even enough common sense to know what is really good from what we probably could get along without, whether you will it or not.

Mr. President, Sir, I wish to add a part of the Third Official Member's explanation on this, and further seeding it. I quite understand and agree with this amendment. I will only give my support of this being brought here and not that we consider this amendment is an important matter, but it is one thing that I would like to see after thirty years, we got a lot of our men still overseas, in the South American countries selling out there as Indian obtaining American currency, or they earn money it is sent home deposited in the bank, and what this Bank wants fifty dollars out of this money that he so hard worked for to get he was somebody permission it to even get fifty dollars out it and give reasons why he wants fifty dollars. I think its time that, that should be checked out of our system of Government. It might have been alright during the war or shortly after, but when you work for something, whether it be Income tax or what, it ought to be your knowledge to have the use of it without having to ask permission to whether you can get it or not, and you can be denied, because when you ask for permission for something it takes two or ten answers, yes or no. Probably the answer could be from the Third Official Member that nobody has even denied you or as well deny you. But that doesn't solve or cause all the problems; like one of the answers yes or no, and when you are filling out an application, what you are asking for condition, then you can be told either of the two, that if you were told no, what are you going to do about it.

A little bit off from what the proposed amendment is calling for just thought that I would use this opportunity of injecting my feelings in connection with that Mr. President, but I give my whole support to this Bill or to this amendment, I see nothing at it else wrong with it at this time, and I trust that it will work to benefit and as far great as was the intention of bringing it to this House for this amendment.

Thank you Mr. President.

MR. [illegible] M. [illegible]: Mr. President, Honorable Members, I rise in support of this bill which seeks to amend the Customs Law of 1974. After listening to the Chief Official's Opening Address outlining the objectives and reasons it is obvious to my layman's way of having it to coordinate the administration and use of the Customs Authority and the Amendment to Section 11 of the Law 1974 is an important which I feel will play a very active role, as also in active part in future use of American Army or Cayman Army in general. I do not see where anyone should be at a loss here when it is so clearly outlined as to why this bill [illegible] came to the House. Members here spoken of it as a good Bill and I am very pleased that I participate in also speaking good of the Bill.

Let us [illegible] try to take the best use of our ability in representing the people of these Islands, where there will be rightful opportunities in the future for the people in regards [illegible] matters are concerned.

Thank you, Sir.

HON. [illegible] M. [illegible]: Mr. President, I give my support to this Bill, but I am afraid that I am going to say or take a different stand. Perhaps a warning to the people who believe that things are so industrially the way that they have gone or in the last ten years without all of their energy being put in it, and their moral support and everything else that is required to keep a country [illegible] prosperity going, the past we established that.

We are very fortunate to be able to have no control over our currency. There is not another country in the world that I know of except America, and we have introduced some controls in the last two years. Prior to it if you could send any amount of money out of America without permission from the Treasury. All of the other Islands in the Caribbean have rigid control over their money, their foreign exchange, and we have to have a balance of payment, and that balance of payment with us is primarily American currency. Now where does it come from, a few years ago we had a huge tourist [illegible] spend daily, many that visited, and we had a large amount coming in from [illegible] and of this have been hit, we have a sizable amount of American money coming through our [illegible] primarily from United States. And I think over that has been curbed to some extent. So if we don't earn hard currency, and hard currency means American currency, we certainly won't have it to spend, and since nearly everything we get comes from America, even the things that we should grow here, we now find that we are having to import from Costa Rica and America, both hard currency.

And I say to the people of Cayman, which includes us too, not everyone of us are this country born but like us Americans, or Canadian or English [illegible] who come to our shores, be nice to them it doesn't cost you anything to smile with them/[illegible] visit them in the city or the other [illegible] live, that is their business, how they choose to conduct themselves on the beaches or they want to go [illegible] that is their business and if you pass them on the road offer them a ride, if they don't want it, if they are resting overtime, it doesn't hurt you any, if they are just going out of your way. It would be a good policy to keep them here, I have done it many a times. It is one of the services of our country that we [illegible] watch and maintain this, and I also think that the restaurants would do well, that instead the restaurants is [illegible] their prices, the other night I took my daughter and her daughter and my wife to one and we paid eight dollars for a bottle of Heineken that I buy for two-thirty, when I buy it cold. It is my belief I am going to check on that, that when they are ten to fifteen cases, which I am sure they do, they probably get it for two dollars or two-twenty, and I think that is too much profit to be made on a bottle of wine.

CAPT. R. V. REID (Govt.): There is no doubt about with the Bill and there is nothing wrong with us having our currency, I think it is a very good thing, but I reiterate, that many the Americans or foreigners can work out marriage, especially the American it worries them more than anybody else, because they never been use to anything but the dollars and cents in their country. In England whilst we had pounds everybody was so close to the decimal currency, it was easy for an Englishman to operate in France or Belgium or German currency, but as with the American, he is pound-pound, has always been and will always go, and I feel that even now it would be suicidal for us to call our dollar the shillings, as in the British Honduras Govt. They still have the pound and their silver is the dollars. Their new gimmick they call it, we call/look our silver which is it, and the next time we print money out in our old currency and either call it ten shillings or take it equal to the American dollar, nobody will lose a penny.

The intrinsic value of the money you have in your home or in the bank will be there, plus twenty percent extra, if the dollar is changed over into American currency. I really think it would help.

We don't have too much in this country to offer the tourists, I do agree we all realize that, except our crib-s, and our wonderful beach, which nature has so classically taken care of. The Bruzdorial current keeps our beach clean, and where everybody else is swamping up everyone very morning, our beach remains clean. But recently I have knew of these cuban whose some of these boys have telescoped people on the beach, and that is happening for the Tourist Board, or the men who have to look into. We don't want that to happen, especially with the Labour that the Tourist Board has developed for them for the last eight or ten years, I can't see too little now that is very much like Cayman, St. Croix, it use to look like it that the first time I went there I was in a hurry to get ashore just to explore the place to see what it was really like, the people, everybody were just like Caymanians. They/Chinese everybody over the world, and I as all know, I don't want to repeat it. Black power, it is a ghost type word, it was a booming country there years ago. It is now a ghost town so that I say here to Caymanians you mustn't be too nice to the people that come to your shores, and if you pass last on the street, and it is raining, slow down, don't drive at ninety miles an hour through water. It doesn't mean anything or it prints, it is important that I have seen several letters in the papers recently, that have spoken of the politeness and friendliness of the people, and it is my hope and prayer that it is kept up.

I thank you, Sir.

MR. PRESIDENT: If there are no further speakers, I shall ask the Honourable Minister Secretary to wind up.

HON. V. G. JAMES: Mr. President, perhaps the first point brought by the last speaker, although it had very little bearing on the amendment before us was the next argument being cited here this morning, balance of payment problem. I would like to say that in Sessional Paper my last budget address dealing with the economy and balance of payment you will see that perhaps one of the main reasons, and this was never questioned, why I mentioned deeply into the field of agriculture to recommend its promotion and development was the fear I saw ahead with adverse balance of payment position, and the only way in which we could meet such a crisis in link to today, was to be a little more self sufficient, and this could only be achieved through the encouragement of local industries, agriculture and other forms.

HON. V. G. JOHNSON (cont'd.): So the words of the last speaker are words of wisdom as far as the ruling position of the Cayman Islands is concerned. A few years ago there was no Jews, the foreign currency position was quite good, we earned much more than we spent. I am afraid that today the position is not quite that bright, and so we have to give much thought to this as years go by.

Naturally Mr. President, as Civil Servants we do not shirk in compliments, but we like and appreciate any remarks for our work when that work is worthy of such consideration, and when the Honourable Member from Bodden Town was speaking my mind went back to the original Currency Committee which did all the preparatory work for the introduction of the Cayman currency. Our Clerk of the Legislative Assembly Dear was secretary of that Committee, and there is one member who would have liked today to hear these compliments, unfortunately he is now just beyond mercy. Other members of the present Currency Board I am sure will like the compliments which were paid.

Mr. President, I think I have shown that the amendment especially in Paragraph 4 could have been brought about before, and in fact it could never have the subject of inclusion in the currency law 1972, when that law was introduced towards the end of March 1974. Members will recall that there was a very light schedule in which to prepare this legislation in the currency Law 1974 in order to effect the changeover of the Cayman dollar from Sterling to U.S. dollar on or after the 1st of April, 1974. There was great significance for that date, because it was a date when Sterling guarantee arrangement in United Kingdom was up for revision, and therefore a suitable date for the switching of the parity of the Cayman dollar. And as all aspects of the law could not be seen at that time, the seventy-five dollar proof coin was in circulation, and perhaps it has been used as legal tender without proper authority.

Adjustments to do discover these things from time to time, and certainly it is just a year now since the law has been introduced, and I don't think anyone has been put to any disadvantage because of the fact that the seventy-five dollar coin was not covered as legal tender. The one hundred dollar coin has been put in circulation we feel so the law will be provided in good time for that particular issue. With these words Mr. President, I now ask Honourable Members to accept the second reading of the Bill.

QUESTION PUT: AYES

MR. PRESIDENT: The Ayes have it

BILL GIVEN A SECOND READING

COMMITTEE STAGE

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. T. V. MILLER

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLERK: Clause 1 SHORT TITLE AND COMMENCEMENT

QUESTION PROPOSED:

SEN. V. J. JOHNSON: Mr. Chairman, I move that the amendment of the words to be added at the end of the proposed line of Section 1 "THE AMENDMENT BY Section published in the Gazette" In other words it would mean this law may be called as the Consumer (Amendment) Law 1975 and shall come into effect on a day to be appointed by the Minister by Notice in the Gazette.

QUESTION PUT: AGREED: CLAUSE 1 AMENDED

CLERK: Clause 2 to 4 and 1 as amended stand part of the Bill.

QUESTION PUT: AGREED: CLAUSES 2 TO 4 AND 1 AS AMENDED STAND PART OF THE BILL

QUESTION PUT: AGREED: SCHEDULE AND TITLE AGREED TO

BILL REPORTED

REPORT ADOPTED

BY SEN. V. J. JOHNSON

CONSIDERATION OF BILLS

Bill No. 54

MOVED BY SEN. V. J. JOHNSON

SECONDED BY SEN. D. M. KAJILEH

QUESTION PUT: AGREED: SCHEDULE CLAUSE 54 AGREED TO

THIRD READING

CLERK: THE CONSUMER (AMENDMENT) LAW 1975 THIRD READING

MOVED BY SEN. V. J. JOHNSON

SECONDED BY SEN. D. M. KAJILEH

QUESTION PUT: AGREED: BILL, AS AMENDED PASSED AND PASSED.

HER [illegible] STATE LAW

INTRODUCTION AND FIRST READING:

CLERK: THE POOR PERSONS (LEGAL AID) LAW (AMENDMENT) BILL, 1977

MOVED BY HON. G. E. MAHADEOKAR

SECONDED BY HON. D. V. GOKHALE

QUESTION PUT: "THAT THE BILL BE TAKEN INTO CONSIDERATION AND REFERRED TO A SELECT COMMITTEE"

SELECT COMMITTEE:

CLERK: THE HON'BLE [illegible] STATE LAW SHOULD BE ELECTED

HON. G. E. MAHADEOKAR: Mr. President, I beg to move for the Select Committee of the Bill entitled the Poor Persons (Legal Aid) Law.

Mr. President and Honourable Members, this will be yet another in the series of bills designed to improve the administration of justice in the State, and although this Bill does not directly concern the jurisdiction of the Courts it is nonetheless an important one in the judicial machinery as it is designed to ensure to indigent persons a large extent. Legal Aid will, because of poverty be denied legal representation before the Courts in certain criminal and civil proceedings.

Although there is no present provision for legal representation of poor persons in civil proceedings, there are no provisions for legal representation in criminal cases except in two cases, namely in a case of murder or manslaughter. Mr. President and Members, in most well-known countries of the world today legal representation is observed by persons accused of criminal offences, who by reasons of lack of sufficient means are unable to provide themselves with such representation. Because of these provisions in other countries the accusation cannot be made that a person has been jailed of justice, because he has not been able to afford an Advocate to defend him, and so it is considered that in the light of the modernisation of our judicial system in which we are embarking that it would be desirable that similar provisions be introduced in the Islands.

New Clause 3 of the Bill enables the Court, if it appears to the Court that a person is charged before it with one of the offences set out in the Schedule to the Bill, or that that person desires to take or defend the legal proceedings in the Grand Court, which means civil proceedings, and if it appears to the Court that such person has not the means to instruct a legal practitioner to advise or represent him in any such proceedings, then the Court is enabled to grant to such person a certificate entitling him to free legal aid, or aid the case may be, subsidised legal aid for the prosecution of his case and generally throughout such proceedings/right through to an appeal if necessary.

Sec. 6. ANYTHING?? (cont'd.): The effect of the certificate will be that the person to whom it is granted, shall have assigned to him the services of one or more advocates on the approval of the Court, legal disbursements, who may be paid as to such sums as may be prescribed and such travelling and other expenses incurred in the investigation and conduct of the proceedings as may be certified by the Chief of the Courts to have been reasonably/incurred. And in order to prevent an abuse of the issue of the certificate there is a provision for/penalty of two hundred dollars, or imprisonment up to three months for any person who by misrepresentation as to his lack of means obtains a certificate.

This Bill is a very short one Mr. President and Members, the Schedule contains the list of offences, criminal offences in respect of which certificate may be granted and there is an omnibus clause at the end covering any offence which is punishable with imprisonment for a term of fourteen years or more. I am sure Mr. President, that Members will welcome this Bill; if it is passed it will place the Cayman Islands in line with other Commonwealth or Dependent countries, which provide this work of representation for persons who are unable to afford to employ Attorneys at Common Law.

I do not think I need say more Mr. President and Members, and normally it would be at this point I would ask that it be taken to a Committee of the whole House but any sitting, but as it does touch some of the matters which we have passed, I do think in some ways in the same manner as the other Bills, and for that reason I would hope that Members will not treat it as this stage as controversial, and that they will consider it, give it favourable consideration and vote the Second Reading.

SECONDED BY HON. D. O. MYLES

QUESTION PROPOSED:

MR. CLERK M. MILES: Mr. President and honourable Members, I rise to support this Bill seeing what it seeks, and listening to the Second Official Member outlining the objects of reasons of this Bill

The processing of Justice in the Cayman Islands, always legal representation was given to persons with civil matter will/deal with, although in our statute books at present we do have a law which takes care in the field of certain proceedings under Cap 127.

This Law seeks to aid people who have committed crimes, and wishing for an appeal against the conviction of such crimes, and as is provided in most countries and considered very important as he says. It leaves it the hands of the accused,/that there is no advantage being taken if they are by no means in a position of obtaining a lawyer or legal advisor. Government will willingly assist in giving them aid in representing themselves under certain cases in point

MR. CLAUDE A. [illegible]: It is a fact that we here in these Islands have encountered quite a bit of this [illegible] matter. I would not say it would be considered unjust, but it is now possible to secure for further representation for poorer persons who are incapable of retaining a lawyer.

I feel it is a very important Bill in the [illegible] of justice in these Islands, and with that Sir, I whole heartedly support this Bill.

And I thank you.

MISS [illegible]: Mr. President and Members of this House, I too support this Bill.

I have gone to Court, and I have seen poor unlearned people there, who having [illegible] the age of the Bible and seventy-five dollars, and because the lawyer wanted another twenty-five or thirty the man say that he doesn't have any more money. The Attorney-at-law [illegible] withdraw case, and move to sit with your case [illegible] with you.

I do agree too [illegible] felt as sympathetic in the circumstance that the man though he was guilty, he is [illegible] the very minimum sentence. But Mr. President, while I do not condone crime I feel that people who are accused of crimes should have a fair chance. And it is virtually impossible for an ordinary person, but I will agree that criminals are not ordinarily [illegible] have a chance that they could [illegible] my lawyer even the very worst, but the ordinary poor ignorant criminal should have somebody to defend him.

I do not [illegible] to [illegible] such a high-falutin attorney as me. I prize myself as a very ordinary humble human being, and I do not like to have anything to do with criminal cases, but in some instances I have been trapped to help those who I consider of being taken-in. I usually go to court with private or civil cases. Most of which I charge the man penny for because I feel in most instances they haven't got the money to pay and they should not suffer just because they happen to be on the poorer class list. I remember going to court with a lady for two long days, I fought one of the most criminal land [illegible] the Cayman Islands, I won the case after a battle, having my case [illegible] by that lawyer and the lady promised me if I won the case she would give me one hundred feet of the land, which I was fighting for not. I didn't put it on paper, I didn't sign any contract, I took her to be a woman of her words. After the case was all over she said you know what you got married and I will give the hundred feet of land as a wedding gift, unfortunately I have not discovered the man yet. so I am out of both my money and the land, but be that as it may I too, but, that we should give protection to people who cannot protect themselves.

Now I wonder Mr. President, if this law will apply to [illegible] foreigners, or is it strictly those criminals [illegible] be Caymanians, because in some instances I have seen foreign [illegible] who have broken our laws, and some of them were able to protect themselves, some were not, does this law also include people who come here who have broken our laws? I feel after all they are human beings, and they too should have some aid, after it is discovered that they [illegible] any money to pay an Attorney-at-Law.

MISS ANNIE H. BODDEN (cont'd) I feel Sir, it is a good Bill. There might be some little paragraphs in it which we might need more explanation on, and which can be explained, but we must look to help those who are unfortunate, are afraid of a criminal or an unfortunate person. It is something radically wrong with their brain, their mind, their thinking, their surrounding, or something wrong with them. And you know they have families most of them, and the people can tell, well they are being taken advantage of, because we see poor, because we are only on the fringe of society too. Some findings are expressed and very loudly to the public. I remember a case that was going on not too long ago, and when the sentence was passed, which I think was a very deserving sentence to be passed on such an act. Some of the people outright travelled, as are going to kill him and so. So and so done this and my brother or my son, in the case may be, he didn't have a fair chance. Such accusations are always heard.

And I feel Sir, this a game Bill to protect those who are accused of crime. We should see in any way why to push under the doom-trodden we should lift them up if possible, and I think one of the first ways that we can help them to build up their self-esteem is if we have to take them to court, and they have proper representation that they get a fair sentence. That brings me to the question that the Government or the public or any individual may be trying to trample them, because they are not up to the standard. They are not the elite of society.

Therefore Mr. President, I feel that I would not be doing my duty, if I did not agree with such a Bill as this, provided when it goes to the Committee Stage that we can iron it out, and if there is anything into it that should be corrected I feel that the able Attorney-General will be able to do direct us.

Thank you Sir.

MR. JOHN H. CUMMINGS: Mr. President and honourable Members, I rise in support of a Bill to make provision for legal aid to poor persons.

The Memorandum of Objects and Reasons to the Law of the Islands makes provision for legal representation of poor persons in civil suits by the Poor Persons (Legal Proceedings) Law (Cap. 127) but there is no provision made by way restricted rules of court for providing legal aid to poor persons wanted to prove crimes or wishing to appeal against conviction for such crimes. Such provision is made in the law of England and it is considered that it is desirable that it should be introduced in the Islands. The opportunity is taken to consolidate this law with Cap. 127.

Sir I am here in this Chamber many days Mr. President, listening/debate expounding on the system, thinking about what is wrong with it, what should be done. I am happy to say that we have here this morning a Bill before us that takes provision to all that every person in these Islands have an opportunity of being what to be dealt with in Court. This Bill Mr. President, is a Bill that in my opinion does what is needed, and a Bill that should only come in a Democratic Society, anywhere which is ours. The point I want to make is that in a society where matters have to be done right, as it often said I want to say here this morning that this Bill speaks for itself.

MR. JOSH D. CHEFFINS (YUKON): The English system of justice, Mr. Speaker, all one might want to say about it, all one might want to criticize of it, the fact that the English system of justice is the best system/justice in the world today. Take one matter once said there was criticism about various things, and quite a bit of criticism about the system, he said I quite agree, the only thing is the other system doesn't work. So thank God whatever we have a system that works. In the English system I believe that the accused have a far better chance than is in any other part of the world. I have many instances, in my opinion, where I wondered if the scale wasn't tipped too much, so the balance was not too much in favour of the accused. I sit of a case back in the past, where in our Court a man was duly defended that the Crown was put, in fact as I am concerned in a most embarrassing position. How Crown was in a position without any doubt in my mind,

To establish in a case of murder, they were duty to withhold. If it could have been obtainable in court, if they could have been able to have it admitted in court as evidence would have made the same premeditated murder instead of manslaughter.

The defendant had one of the best Queen's... in my opinion that comes to Yukon Islands, in addition to another Barrister. The Crown had one person, and as far as I am concerned the Crown was put in a very embarrassing position. One of these Barristers in my opinion would have been able to do the job well enough.

But I am glad that in our system we must provide to give people accused, without financial assistance a good opportunity to defend themselves. But the point that I was making, I don't believe that we should tip the balance in favour of the criminal, or the accused, and I hope in the future, that these points will be well looked after.

The case was brought before the Court. The key witness under preparations to have the ballard. Evidence was taken by the Crown and no law in the world could the Crown have got the evidence admitted. The case was like during World War II, a Destroyer going out to sweep a battleship of the allies of the Kiskatoul, as soon if her battleship ships. Are was out-gunned, out-manned and the balance was tipped in favour of the accused.

I wholeheartedly support our system of justice, I have great faith in our legal system, although I have spoke out in detail the feelings of every Member in this Chamber this morning that we want to see that no human privileged person suffers for anything unless it is proved in Court. We being given an equal opportunity to defend himself. But as I said, I repeat that no time in the future will the Crown have to tackling in a position of weakness, but it should be able to handle from a source of strength. I have noticed in the past years, two years, there has been a tremendous amount of petitioning. As far as I am concerned in the Crown's position, we have a gentleman in the position of Legal Aid, which I think does a tremendous job.

This Morning Mr. President, on this very short Bill, I think it is a very important Bill, I think it is worthy of our support. I looked the Bill through and I like what I see. I see that while there is an opportunity for someone without financial assistance to get help, I am glad that the system is open, I believe that point, because it seems that it will be investigated, and that there is a penalty for those that might try to misuse the assistance, or obtain a certificate without being in a position that the law describes.

MR. [illegible]: [illegible] I know in the Court this past year of an instance where a woman was accused, or charged with having in her possession guns. She secured an attorney, said the amount. Later on the attorney was harmed, and the woman was forced to go to Court without having anybody to defend her at all. Surely that she had paid one Attorney also was not able to see who is to repair that work which would have put her in a position to be able to have another, that is not good enough for us, that is not good enough for the system in which we believe the society in which we live and which we price.

We trust in the future, that these things won't be able to be practiced. I also see may be in connection with the Jury Verdict that I spoke, like some years ago the crook that escaped our prison, won't we able to fall back on a position like this, to be able to take advantage of this Convenant .

But Mr. President, I think it is a good Bill, and I support it to the hilt.

Thank you very much.

MR. G. HILL ZUNIS: Mr. President, Honourable Members. I see that Government is to move that I have read this Bill a second time, and that I understand it, that they have wanted to put it forward at this time, even when they are only running at half strength.

Reading a Bill over and over does not guarantee my support. Today this is the second Bill we have dealt with , which I have given [illegible] my full support to. Unfortunately, this has not been the case in the past. Some Bills have been presented to us quite recently the first I could think of became [illegible] I became. In fact one Bill was so undermined by the word "generally" that I've read it the more agreeable the [illegible] became. But it is good to be able to commend the Second Strictly Member of Government for getting forward this Bill, which is in my view the only constitutional Bill in the package of six or seven Bills, which package is before this Sitting. We had a law on our books to provide legal assistance to people who appear before the Court in civil suits, but it is of far greater importance to be able to afford legal assistance to the poor, if the poor person is accused of a grave crime, or the former law which had been on our books for many years was followed in that it made the necessary provisions for people to be given representation when they were before the Court in civil suits, you know. They were brought before the Court accused of grave crimes for which the people could lose their property, there was no provision or assistance to the poor, with the exception as a Second Member the Government mentioned. If the person was accused of murder, or manslaughter the person could have their trial. This Law will remedy this situation.

We have a situation in this Island where manslaughter could not award or draw as long/[illegible] sentence as some of the other crimes mentioned in the schedule to this Law. So we are doing a good thing today when we provide people with the very necessary legal assistance, which [illegible] afford to pay for. Today lawyers do charge very high fees, in fact in this Island it is the only city that can afford some of [illegible] high fees. I feel that no one should suffer in our Courts because we are unable to hire an Attorney. I always [illegible] back at my own experience. At the age of [illegible] when I was accused falsely of some of the most dastardly crimes in the books, [illegible] I was able to have some of the best legal brains in the West Indies, and as you I am now [illegible] here in this Chamber. It costs a lot of money, thousands of dollars, but I think I won a point for others who come after us, and perhaps whose rights would [illegible] it [illegible] if they are not able to afford themselves.

MR. G. [illegible] ROGERS (CONTD.): ... and I give this Bill my full support. I agree with this Bill in its entirety, particularly two parts of it that guarantee that the facilities which is envisaged by this Bill will not be abused, people running just any I take down names I read names. The case will have to be examined by the Court. A Probation Officer will investigate the particular case, and depending on the facts, the Probation Officer will take a report to the Court, and even the Court in its good judgment will issue the necessary certificate. To provide the free services of a legal lawyer to defend the accused. I hope what I considered to be some safeguard contained here this morning, that our Government is intent upon providing good legal assistance to criminals, while the Government was in a narrow arrangement only, and the Members want to say is not in favour in tipping the balance in the favour of the accused. The whole Bill was equal as principles of British justice and against the hostile system as we have it in the Western world. Our system of justice and the system practised in the United States puts the responsibility on our Courts to give the accused person every reasonable chance to ever prove if he is innocent. Because the fundamental principle is that it is far better for ten guilty people to get away, than for one innocent person to suffer. If we are to give real effect to the principles of British justice we must afford to unfortunate people who come before our Courts the right to/[illegible] which, if the person is unable to pay the extraordinary prices that are now requested by the legal profession.

So Mr. President, again today for the second time, and I believe I am making history today in support for the second time fully everything on the two Bills that have come before us this morning.

MR. F. M. [illegible]: Mr. President, I too rise in support of this Bill.

As a matter of fact after reading over the Memorandum of Objects and Reasons, I must confess that I did not know that there was aid for only a certain amount of (legal aid) for poor persons accused of grave crimes in wishing to appeal against conviction for such crimes. Now I thought that was wrong the Bill but I know now that it is to be incorporated in this Cap. 127, and I think it is a good Bill, and it is one which could be commended, and to which I am happy indeed to give my support.

Thank you.

DEPUTY S. A. SEE: Mr. President, I was so shocked this morning to hear the Member from Mottley West, agreeing with everything, and I am wondering if it is because he hasn't got his Lieutenant with him this morning why he is so amiable. And I surprised him to hear him so willing to give away the Government's money in such a free lance style.

CAPT. R. A. SIED (CONTD.). I believe she will be going to be debated in the third reading, but just in case it won't since this rebel has dropped most of his arguments in everything that goes against Government Bills, that it may go through, and I am going to say what I think on the matter.

And I would like to know how far we will go with this expense of the private member. Where must it come limit to let the ex/soldiers with the kind of revenue they could put here. Are the lawyers in this country not qualified enough to argue a case in Court; will we always have to go to London to get a Barrister and get the best and most expensive one for that purpose, or would we ever remark to go up to Great Britain to get the best brain to defend the man and would that not overburden upon us an unnecessary working case, a criminal Law Justice. Would we have to go to Great Britain to get a Barrister to defend him in a murder case, then appeal it and go to the Privy Council and pay another one further expense. They are things that we would like to know how far we have to go, or will it be/disposed to go and why certain criminals be defended by our Crowns heads?

I won't have any more to say until the third reading if it is being discussed. I will bring up the various points again.

I thank you Sir.

MR. [illegible]: Mr. President and Honourable Members, I won't keep them very lengthy, and thanks for a little bit sunny this morning, I noticed they were doing their, this side was influenced, must have been out on a long night. But it brings strongly the representations that I put it was the intentions and [illegible] to kill Bills, particularly by motions that are brought from/Government Bench. It look like we could really use our opportunity this morning and not go so free in supporting the Bills presented by us. So it ought to answer itself. We are not going to volunteer of going in and studying the good, whatever it might be, whether a Bill or a motion for the benefit of the country.

Mr. President, as we have this Bill before us; and as has been pointed out by the Second Official Member that we will have the opportunity to go into these Bills, since they are apart of the other Bills that we were in for a few days now, and have been in a committee stage, this whatever might be the odds are ends of objection we will have that of explanation and reasoning, and to whether they wants us any more in our committee to the progress Bill.

So in the light of that Mr. President I support this Bill, and look forward to when the Council like when we will be sitting more in our committee where we study these Bills and go through/and do what we feel best about them, so I give my support to the Bill.

And thank you Sir.

MR. PRESIDENT: If no further speakers, I will ask the Honourable Attorney-General to reply.

HON. G. P. WASHINGTON: Mr. President and Honourable Members, it is very gratifying to see that this Bill has met with the universal support of Members of this House, and there is not much more that I can say in replying, except to deal with two points which were made, one by two different Members of this House.

The Lady Member for Georgetown asked the question does this law also include foreigners who come here. Well the short answer is that Mr. President and Members is that any foreigner who comes to the Cayman Islands, who commits in his islands he becomes subject to the jurisdiction of our Laws, he has to comply with our Laws and therefore our laws apply to him. See section 3 Clause 1 of the Bill states "which is appears to any Court before whom these appears any person", so that if a foreigner came here and committed an offence contained in the schedule of the law, and he satisfied the Court that he had not the means to defend himself, then he would be entitled to and seek this law provides.

The second question was asked by the Second Member for the Western Districts, who was concerned with how can we ensure that the taxpayers money and he particularly asked the question whether we should afford legal aid to people accused of crimes by putting the best local brains from Jamaica or even from Great Britain. The answer to this Mr. President and Members is that the Bill speaks of assigning our/legal practitioners to appear on behalf of the person charged. Now a legal practitioner cannot practice in our Courts unless he is on the roll of our Court, either permanent or temporarily. And the Bill contains provisions for rules/made by the Judge of the Grand Court for prescribing the fees to be paid, and for the better carrying out of this law, and the present law has similar rules under which a roll of legal practitioners who are prepared to accept these assignments is compiled. It is not every legal practitioner that the Court can call upon, and say well you should appear for an accused.

What happens in fact is that the legal practitioners are asked to submit their names for inclusion in this list, and when they are so compiled, then the Clerk of the Courts / through the list by rota and assign matters from that list to represent an accused person. Of course, it would be open to the Court, in the circumstances of the Court, if for any reason it was not possible or practicable for a local legal practitioner to appear, the Court/in its discretion assign a legal practitioner from abroad Jamaica or elsewhere who would be amenable perhaps to be on the roll of practitioners. So that by and large the matter is one for the discretion of the Court, and in practice as I have said there will be this list of practitioners who have volunteered to do this sort of work, and in practice the practitioners will select/of from such list.

There is nothing more that can say Mr. President and Members, except to gain move the Second Reading again of this Bill.

QUESTION PUT. AGREED.

MR. PRESIDENT: THE BOOK HAVE IT

BILL GIVEN A SECOND READING

HON. C. E. MACDONALD: Mr. President and Honourable Members, in accordance with the procedure adopted in the Order Bills, I would at this stage move that this Bill be referred to a Select Committee of the Whole House, in accordance with Standing Order 61(b) and 62.

SECONDED BY HON. D. V. SPEAKER

QUESTION PUT. AGREED.

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE

MR. PRESIDENT: In accordance with Standing Orders 62, I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee, and in accordance with decisions of the Assembly on the matter, while the quorum is consist of at least seven Members.

AT 10:10 P.M. THE SPEAKER WAS SUSPENDED

AT 2:30 P.M. THE HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

THE STATUTE (CONSOLIDATION) LAW

INTRODUCTION AND FIRST READING

NOTICE: THE STATUTE CONSOLIDATION LAW INTRODUCTION AND FIRST READING

MOVED BY HON. C. E. MACDONALD

SECONDED BY HON. D. V. SPEAKER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

SECOND READING

NOTICE: THE STATUTE CONSOLIDATION LAW SECOND READING

COL. C. J. MACDONALD: Mr. Speaker, I beg to move this, the Second Reading of a Bill, entitled The Stipendiary Magistrates Jurisdiction Law.

Mr. Speaker and honourable Members, this Bill is very important, and is important also in the powers assigned to provide a judicial system for the Colonies. Now, I feel that in the Colonies the present law which deals with the appointment of the Stipendiary Magistrate, and puts on him jurisdiction is wholly unsatisfactory. Under Law 5/1938 in the Colonies Stipendiary Magistrate Law, the Stipendiary Magistrate is required to attend the Petty Sessions Courts and the Petty Courts in Grand Cayman and in Cayman Brac.

Whereas under the Virginia administration of Justice Law, the Stipendiary Magistrate is designated as the Judge of the Grand Court. Obviously, he cannot perform or exercise all of those jurisdictions at the same time, and if indeed he did exercise his jurisdiction in the Petty Sessions Court, difficulties would arise in the event he was required later that day to sit in the Grand Court, because physically he would not be able to hear the appeal properly, and it/[illegible] inconvenience to a Petty Judge may even block also to hear the appeal.

Now this Bill actually has as its precise idea been conceived in exercising the powers given by Section 5, sub-Section 1 of the Interpretation Stipendiary Magistrate Law. Under that section the Governor can appoint a person to act temporarily as Stipendiary Magistrate in the absence of a [illegible] or if it appears expedient, and as that is the section which has been made use of for the appointment of our Magistrate now, and a person so appointed has all the powers of the Stipendiary Magistrate, except that he may not preside over the Grand Court. This then is my criticism. Considering our honourable Members to an appointed Stipendiary Magistrate, and ought to have been rectified long ago, but it has been allowed to remain as at the present time.

Now this Bill will put an end to this anomaly for any future by application, for the constitution and the jurisdiction of a Magistrate's Court, and for the appointment of a Magistrate who will in practice preside over that Court, and in so presiding he will act either alone, or in criminal cases he may sit with one or more Justices of the Peace. But just as at present also, the jurisdiction of the Court may also exercise its criminal jurisdiction at the Court, and [illegible] will/subject to restrictions by the Judge of the Grand Court. And I should think that in practice the Magistrate's Court would be presided over by a Stipendiary Magistrate.

Now one part of [illegible] is the appointment of the Magistrate is set out in Sub-Section 3 of Clause 6 of the Bill, and it reads as follows "that any person qualified to practice as a Barrister or Solicitor in England or in a Colony which is a Commonwealth country approved by the Judge as having comparable standards for call or admission to practice and has practised [illegible] for five years, such a person will be qualified for appointment as Magistrate, and I think it is only right that the person who is appointed to be Magistrate should be a person of the calibre indicated in the Sub-section. At least he would have had at least five years practice at the Bar, and would therefore have had some knowledge of practice.

HON. M. K. KELLEHER (COCHIN): The criminal jurisdiction we seek in the Court is set out in Clause 11 of the Bill, and that jurisdiction is as follows: that subject to the provisions of this Law, and the Criminal Procedure Code, the Court shall have jurisdiction to try summarily any person charged with a criminal offence in respect of which jurisdiction is by any law expressly conferred upon a summary court or it is expressly provided or implied that such offence may be tried summarily. We do not go to the position at the present time, except that by the present Bill there are certain specific sections of criminal law which are set out as being within the jurisdiction of the Magistrate, so that this is a somewhat minor jurisdiction than we have at present. At present his jurisdiction is confined to the/sections of the Law mentioned in the Petty Debts Ordinary Magistrate Law.

In addition to this jurisdiction he will have jurisdiction to hold preliminary inquiries, and to commit persons for trial before the Grand Court, which is the case at present, and there is also provision for him to deal with persons committed within the Islands Code Enactment Rules. Now in addition to the criminal jurisdiction of the Court, the Magistrate has a civil jurisdiction in proceedings arising, whether arising in contract or in tort, it is both, and in respect of trespass to land, where the debt or claim/ does not exceed a thousand dollars, and in which no question of title/real property arises. And that is more or less the position at present in the Petty Court, where the Stipendiary Magistrate has the power to take civil proceedings, but his jurisdiction there is limited to an amount of two hundred pounds or four hundred dollars. Now in the civil jurisdiction the Magistrate must sit alone, in other words instead of the Panel would have no civil jurisdiction, the Magistrate would have to exercise that jurisdiction sitting alone.

There is provision in the Bill for appeals from the Magistrate's Court, and appeals will lie in both criminal and civil matters to the Grand Court, and of course from the Grand Court to the Court of Appeal, and from thence to the Privy Council, so that a matter which starts in the Magistrate's Court can end up in the Privy Council, by way of appeal.

The Bill repeals all the existing provisions for the exercise of Summary Jurisdiction which will hence forth be exercised by the Magistrate's Court. But they are saving provisions in order to save all the existing provisions cases and fees and so on, under such time as new provisions are made by the Rules Committee to be established under the Grand Court Bill. It here again /also/ the Bill is, which are interwoven or interpolated with the rules which, I am sure, Members will recollect. The Grand Bill provides for the setting up of a Rules Committee, to make rules under the various laws, and they also have the power to make rules for the Summary Courts.

There is hardly much more that I can say Mr. President and honourable Members. The Bill might not really to be considered/, because in effect it is merely consolidating and re-enacting provisions which to a large extent exist at the present time, and as this is an /important/ Bill in the series, it will be/subject for the Summary Courts. I commend it for the favourable consideration of the House.

SECONDED BY HON. P. V. ODLUM.

QUESTION AGREED TO.

MR. MARCUS X. BILLY: Mr. President and Honourable Members, I rise to make my first contribution to the introduction of this Bill.

In my layman's way of looking at it, it is an important Bill. The Law deals as the Second Official Member stated, setting out if the duties of the Stipendiary Magistrate, and I am sure that we can only trust his guidance, and as he said it is for those that he who is our legal advisor at present, can say on the Bill, what they have just said, and I am sure that this Bill will go to Committee, and I suppose he will be the Chairman of that Committee we will be guided as we go along in the Committee, dealing on matters that we don't understand, and matters that we think that we know about. One with that Sir, I whole heartedly support it in this present form.

Thank you Sir.

MR. G. HAIG BOSTOCK: Mr. President, Honourable Members, there can be no doubt as to whether there will be an attack on this Bill, the only wonder can be from what angle the attack will come.

I see that Government has brought out all the available reserves in anticipation of a heavy fight. They should not be disappointed. This Bill is a part of a series of Bills that have been attacked over the past week. The only reason why it will get more sympathetic treatment is because the battle has been won on the Bills which preceded ours. I was brought in my Lieutenant who was absent this morning for this attack.

The basis of our contention on all these Bills has been that short is the most change too fast, neither the public nor the officers of the Court have been prepared for these changes. Even the Grand Court has been criticised. It is only reasonable that the Summary Court should also be criticised. This proposing Bill does not seem to be as far reaching as the preceding of the Grand Court, it is more like the Second Member said. A consolidation of different provisions, which had created muddles in the courts. But there are certain defects in this Bill, which cannot go unnoticed. One of these defects is in Section 12, where provision is made for Justices of the Peace to sit along with the Magistrate.

But before I deal with that defect, I would like to say a tribute to the work played in the past by the noble people who have given the service of Justices of the Peace. Very often in a case. The Justices have performed many functions in our Island. They have acted as judges, they have acted as officers for the administration of notary, and they deal all of this well. What services to do this mean. In that these people are not now rewarded, neither by Government nor by the public with the respect which is due unto them. They have performed valuable services. They have done it free of charge. They have done it proudly. Perhaps it is just the trend of the times that we tend to ignore these people, when we feel that we could/might with better if they were not here. This has declined the functions of the Peace Act 1961, and the Justices of the Peace Law Chapter 78. Nevertheless it has in it new saving provisions whereby services are retained, perhaps in a lesser degree.

Mr. [illegible] (cont'd): This idea of a retirement to Mr. Justice starts several years before your arrival. Mr. Brathwaite and he is now common knowledge that the Justices of the Peace are ignored when it comes to social functions, both Government and private. If a function of the Peace is invited it is probably because he is a banker or trader, and not because this reminds us of a tyranny of the Justices. Our Justices have been overworked, which they have been called upon at all hours of the night and day to commissioner oaths, to protest documents, services for which they received no pay, on the other hand our Notaries Public are well paid for their signatures which they affix to various documents and it is time that we do something to bring back the honour of the Justices of the Peace. I am not of this time reconciled pay [illegible] group, but I believe that thing that they would appreciate, is not put on the permanent establishment of the Government. Part of the duties of the Peace, with the exception of the Justices for Port Mid, are people that are well remunerated in posts, and undoubtedly would appreciate after ten years service they would be given a small gratuity. To further enhance the standard of J.P.'s we might to provide them with some sort of uniform, so that there would be some difficulties about their signatures. I feel very strongly about this because it is quite possible that anyone could forge the signature of a J.P., particularly on documents that are intended for use abroad. All one does now is to fix just above a document with an ordinary signature like any of the ordinary purposes, and then that document gives whatever the party may have in it. So can know of the high position of our J.P.s' contemporaries is help to a criminal inquiry or examination.

This Island being a very small place, all of our J.P.s are well known, and if Mr. Joe Black is a J.P. every body knows Tom Black's signature. But in these circumstances I should think there should be some mark of authority on the document to show that Mr. Black who executed the document was a person authorized by law Government to such a thing. A Notary Public has his seal of office, which stamps his document with the symbol of his high office. We could at least provide such a facility for our local J.P.s. This is a thought I am throwing out just to provoke the minds of the clergy Members.

Now to come back to Section 12, which gives power for one or more Justices to act along with a Magistrate. It seems that we could have done a much better job on this section. I feel in my view if there is a difference of opinion, the opinion of the Magistrate should prevail. The question I must ask why do we bother to have two Justices along? This is definitely not democratic, it is not in keeping with the principles of practice which this law is trying to maintain upon our books. When ever a Court meets, and there is a multiplicity of judges, it is normal procedure for the majority verdict of the judges to rule. But when we have a situation where only two Justices are the Magistrate, and the opinion of the Justices should not be worth two pence from which it was written. I do not like the section from great. Upon the contrary if considering their remaining opinion, surely! Our [illegible] be ever. The weaknesses of having Justices on a remote where their very presence seems to be superfluous. This appears to me to be the weak section in the Bill, and it appears to be the worst treatment that has ever been handed out to the Justices of the Peace in this Island. I know they are some people who believe that it has already agree on anything the other or even is not needed at all. I don't think that is necessarily.

Mr. Speaker, I am sure that we all look forward to the day when we no longer need to have a Bill of this nature before the House, but I am afraid that that day is not yet with us. I will not be moving any amendments to the Committee Stage, I will take every opportunity to take out this clause, as I take out the line that says "Her Majesty's Civil Service" and put that on the first page of the Bill by right proper.

Apart from the introduction of this Bill, I would only have to refer to Treasury Officials Number 10 Downing Street, Chequers, and many Offices as mentioned in this Bill, but I mean that I have been participating in this Debate now, I will speak about two of the things that I think are unnecessary in this Bill.

I wished to see that if the provisions made for the Governor as held in prison or for any appropriate for Civil Duties, and for the accounting for and payment of all monies received by him under this Act. This is a very real power. Before I would say that this sentence may be necessary and for some valuable, could be applied to the Civil Commissioner's service, or for that matter to the Civil Service as a whole. For instance, if a Minister of the Crown has resigned for Government or some act, the Minister of all Public Officers, who regard the Government's policy, should be under personal to all Ministers. We have been very fortunate in our Governors that up to the present time no penalty has disappeared for it, nor money can disappear in the future. We have not been a great penalty, when the events of an act or that disappearance. So we must look at the wording of Public Officials. It would be necessary and the words apply for this Government. I regret to the Commonwealth Secretary/The Government of Pakistan should be this happens, and to what extent punishment. I only wish that very much would be carried. This would not be very easy, but the punishment should be carried out only for those events, but to the person who would. In the case of Chartered Corporation, would rather the money to the Treasury company, who would immediately go to the money for the Treasury, and the Barclays Treasury would that/Official would have a lot of unnecessary law expenses. So the same behind it there is a great many, perhaps which is not how much we would like

One other portion of this Bill, which we make provision for prayer records to be kept in the Treasury. I am a member having to do a Bill provided that when the Minister was dealing with a matter, we should then, when we ship freight matters, we would have a close to them here, but I don't believe that matters for the appointment with. The system as you know it has been working very well of records for a couple of/Office has been a decade with all those matters that have to deal with Court cases. I have heard of many instances where the records and the files had been lost, and if Section 4/ of this Bill is possibly implemented it is a good safeguard to ensure the facilities for records keeping, and that a guarantee that records would not be happening in the future.

This Bill is certainly a very, very important Bill and I don't intend to detain you for very long. The Members for Greenpoint this morning had no doubt, although not by design, but by/Other Bills that are not here, and those who can take the opportunity to speak to a record time the understanding is greatly appreciated, but you have before a Bill is read over and approve the understanding, and it will always be necessary, like so many Bills have been in the past. I have learned to read my notes upon a clause by clause as it go through it in the Committee Stage, and will/have to [illegible] many matters dealing with Income Tax in my own Bills.

Miss Annie M. Boulden: Mr. President and Members of this House, I support this Bill so as a point.

... there was certain sections in it that I cannot agree with. What really startles us is how at this late stage we have discovered, after these many years that all our laws pertaining to Courts, they are so defective. Now, Mr. President, I agree that there was ... should some improving, but I can't really honestly accept that every thing we have done in the past was not up to scratch.

Now Mr. President, commenting on these Justices of the Peace, I would say they come a noble work. Now the only occupation I went in after Christmas-eighty - it was not for five years Sir, and Dee pained me all ... was that I should like to be a Justice of the Peace. Well it never came to pass. I was appointed a Notary Public, and I have served to platform tone to the best of my ability. The ... Public are not handsomely paid. Like has been suggested, they receive one dollar as fee for programme it may, if they have to charge. They must have been very important group of in the olden days, because day/dates back very far, and from that like its fee was for shillings and six pence, which it is ... today.

Now Mr. President, as I have said, Justices of the Peace have played an important part in the administration of justice in these Islands. And in these far off days, they were held in high repute, not even words were allowed to stand on the lower extremity. they had to mind it for off. Until modern days some women had the honour of being elected as such. And I must agree with the Member from Bodden Town, who said that 'they have been completely ignored ... their service'. Not one to my knowledge has ever been rewarded by Her Majesty the Queen, not one has ever had any recognition in the social life of our Island and Government. I have a card issued that is/Justice of the Peace, and even when any dignitaries, or visit of any ship, or visit of any high persons, they don't even know about it, they are completely ignored, and I do not think that is good enough. I feel that they should get their due reward, and the least time can do is to be able to work with the dignitaries that come this Island.

Now I and Mr. President, in paragraph 8. The Governor may direct at any time that the name of any Justice of the Peace, on the entry in relation to any public office, be removed from the Roll of Justices of the Peace: and upon such removal being notified in the Gazette, such person, on the holder of such public office, shall cease to be a Justice of the Peace'. Now Mr. President. What is putting it very broad, he doesn't say/they have committed a misdemeanour, or they are too old or what, just the Governor may direct. Now I feel Sir, in the person of yourself, you would take it your business to have some investigation, because for instance if I were a Justice of the Peace and somebody didn't like me they could get it engineered some where around that I be struck off the roll immediately, I might not even have a chance to defend myself. And I think Sir, that what is not correct as it is.

I think Sir, that if this Bill can contain the keeping of records in our Courts office as well have accomplished a good thing. Because Mr. President, the records in our Courts are not kept in a manner in which they should be kept.

Miss Annie M. Perera (cont'd):Now I have to compliment the Registrar of Lands at the old Court House for the efficient manner in which he and his staff keep their records. You can go there any day or night, and ask for the map number so and so, without any trouble, it is taken out and shown to you, you get the information you require, but as at the Lands Office. You go there you'll want a case that was heard a couple of years ago, it will take two to ten hours search to discover where that file is, if it is ever found. Sometimes it is not found. And I would really mean that we must have a better filing system. But getting a few men paper is not the answer, the answer is action, putting men and women in the office to do the job, and having the office staffed properly. Now I do not blame any Caucasian or those who work there now, I am saying that particular office is under staffed, and I would agree that if we put more personnel there, and they fall down on the job then we have some complaint, but no it is not, it is not properly staffed.

Now I come Mr. President, in clause 11 (5) "The Governor may appoint persons qualified for appointment under subsection (3) to be magistrates, to have and exercise the powers and jurisdiction of the court as provided by this Act. Every person so appointed shall be ex officio a Justice of the Peace. Well, Sir President. I have no grievances with that, what I am a bit concerned about is section 12) Any person qualified on practice as a barrister or solicitor in England or in an equivalent capacity in a Commonwealth country approved by the Judge as having considerable knowledge for civil or criminal litigation and has so practiced for not less than five years, shall be qualified to be appointed a magistrate. Now, Mr. President, I do not agree that the Judge alone I mean that room power, I feel that should come from higher up than the Judge. Because while I am not disputing his authority in his judicial capacity, I feel that if we have from Caucasian and I mean a person who wants to come here. I will pull the strings and put him, and I do not feel that we want any more Expatriate people in authority to set in our Courts. I understand from the Chief Elected Member from Executive Council, that my comments regarding a Judge chosen from a Committee, that it received bad reception from the public. Now the people who put that story out is not saying in what context I said it, I am very sure of that, they distort every thing that they want to bring trouble about, so I am sure that is what happened. But in this case Sir, I feel that should be included in this section 12) 'must coming from England or a Commonwealth country'. In this lower court I don't see anything wrong with us trying a Caymanian as the Judge, because I feel that we have now in our midst qualified people who could easily be judges, out of the Grand Court, provided they were not so intermingling in families, and I would like to see some insertion in this effect.

Now with regards to those two Justices of the Peace sitting along with the Judge. They would be ad in the case of the assessors sitting with the adjudicators merely there to give their good hights. Now I do not agree with that Sir, I see, that in any Courts we have three Judges on the bench the majority decision should count. We have just had an example of it in the Appeal Court of Jamaica, with the Guyanian mining affair, while some people say the judgement was not right, I say it was right, I have always said it was right, and is that case right or wrong the majority overruled, and I feel Sir, that in any Court where we have three Judges that such case should be allowed to state their opinion of the case, and of course, the majority rule or if it is unanimous so much the better.

MISS AGNES B. BOUCHER (SOUTH): ...on the whole Sir, it is not as bad, but it needs a lot of teaching out, and I feel Sir, that when we go to the committee stage we shall be able to do a good job, or at least I hope so.

Now Mr. President, I don't pride myself as being as very learned Law, I do not. But I feel Sir, that I have read various views, especially Mr. Quinn counsel here for a woman. Because Mr. President, in my work I rarely like to have the woman, that are/Attorney in each cases. They seem so lacking understanding to me, or they don't understand me, or I don't understand them which. But I find it much harder to work with women than with men. We have quite many intelligent women in this Island, I am not referring to the other two, I don't go there as I don't know, but I guess they must be, but we have some very courageous ones. But Mr. President, I feel that we who try to keep ourselves, we should not put anything obstacle in the way of women taking /prominent place in this society of ours. We have many Magistrates, I am sure, that are there old like some, who are so sound in their judgement that I would like to see them on the bench with a qualified Judge, but I would not like them there just to warm their new chamber, I would/### have to express this opinion, that opinion is to be heard.

Now Mr. President, I will not take up any more of the time of this House, because I feel that when we get to the committee stage we can very reasonable go into this Bill and as well as the others, and work out anything that is wrong. What I am hoping and praying Sir, is this, the Conservative will, by in these committee attempts. Not because I am on the opposition, as we are termed, I am not on the opposition, I am in a united front, for the betterment of the Cayman Islands. That is my stand Sir, and I want that spirit to prevail. I don't like it to come here and be told "on the opposition what you're doing", or "the House of Lords what they've done" if we are to progress women in this Chamber it is with a united front, because united/stand another we will fail, and I would implore those people to give up this stupid talk about on this other side, or the house of Lords, we are here as real citizens trying to do our best to further the good will with the strength of our good stable Government in which we are today, and I would implore those people to stop their stupidness and do what is right.

Thank you Sir.

MR. PRESIDENT: If there are no further speakers, I shall ask the Honourable Attorney-General to reply, if he so wishes.

HON. G. I. McLEAN: Mr. President, I am glad to see that there is general approval for the Bill, and that there was only one of the points made by hon speakers on one particular section of the Bill, namely Section 12, which sets out the composition and the constitution of the Courts.

Now the chief cause for complaint is the fact that if the Court is constituted by a Magistrate sitting with one or more Justices of the Peace, that subsection (2) of Section 12 provides that if there is a difference of opinion arising in respect of any proceedings before the Court, that the opinion of the Magistrate should prevail, with the section given me by law, but every Magistrate opinion shall be recorded.

HON. J. E. WASHINGTON (CONTD.): Now the first point that I would make Mr. President and Members, is that the Magistrate will be a professionally qualified person. Lawyer and it would be ridiculous in my view, if a difference of opinion arose on a point of Law for the opinion of two laymen on the point to prevail over that of the professionally qualified person. The professionally qualified is there to guide the other Magistrates, and apart from that, it must be remembered that the Magistrate need not sit at all with two other Justices of the Peace. He will have full jurisdiction, if he sits alone. And the Second Member for Nassau Town Constituency referred to the recording of the dissenting opinion as being posterity . but that was not the intention of the section, it has nothing to do with posterity. . It is intended to indicate to a person accused before the Court, that at least he might have the use of two of the Justices of the Peace, they might be with him on the point raised, he will know that with that in his favour he might stand a good change on an appeal, and the dissenting opinion is recorded also for the use of the Court of Appeal, it has nothing at all to do with posterity, and it is there for a very, very good reason.

The only other point of any substance that was raised was by the Lady Member for George Town, who also took that same point, but the Lady Member for George Town also took the objection with Clause 8 of the Bill, which provides that "The Governor may direct at any time that the name of any Justice of the Peace, or the entry in relation to any public office, be removed from the Roll or Register of the Peace", well this provision is only in keeping with present provisions. As a matter of fact, at present there is no Law, that is to say written Law, providing for the appointment of Justices of the Peace They are appointed in accordance with ancient tradition, and under the Interpretation Law any appointment made by the Governor is subject to revocation at any time, whether for cause or not. It is hardly likely that the Governor would, in removing the name of the Justice of the Peace from the Roll do so, except for very, very good cause, but none the less the power must be there to enable him to do so, and indeed that power, as I have said is now at present contained in the Interpretation Law. What this Law is doing, is really to enshrine the position of Justices of the Peace in a statutory provision, by making statutory provisions for the appointment. and so on.

There were, Mr. President and Members, to be the only points of any substance made against the Bill, at this stage there is nothing more for me to say, but to again move that this Bill be read a second time.

SPEAKER'S RULE DATE

QUESTION PUT AYES HAVE IT

BILL COMMITTEE & REPORT ADOPTED

HON. E. E. WASHINGTON: Mr. President I beg/Give Sir, that this Bill be referred to a Select Committee of the whole House, in accordance with Standing Orders 51(2) (a).

SECONDED BY HON. D. V. MAYELA.

QUESTION PUT: AGREED

BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE

MR. PRESIDENT: In accordance to Standing Orders 69, I hereby appoint the Honourable Attorney-General as Chairman of the Select Committee to go into this Bill, and in accordance with decisions taken earlier by the Assembly, the quorum will read all at least seven Members as with the other Bills referred to this Committee.

MR. JOHN M. JEFFERSON: Mr. President, I am being guided by you at this stage, but I am wondering in relation to that committee that was set-up - there was something like two Members that dropped down. What would be our position at present? Could we at this stage, now be try to reestablish that Committee.

MR. PRESIDENT. I think the position under Standing Orders is that four Members was required under the terms of the resolution to be appointed, and four Members were appointed. Two have resigned which leaves two Members of the Committee, technically the Committee can sit - however with two Members. So any Honourable Members wish to put forward other suggestions to replace the two Members who have resigned.

MR. JOHN M. JEFFERSON. I would so move, Mr. President, that Mr. Craddock Eccles be nominated.

MISS ANNIE M. ROGERS: I beg to second that Mr. President.

MR. JAMES M. ROGERS. Mr. President, if we are going into this, then I would like to nominate the fourth Elected Member to Executive Council.

MR. [illegible]: I beg to second that motion Sir.

HON. M. E. CORNWALL: I beg to decline Mr. President.

MR. PRESIDENT: There is a motion Mr. the Honourable Member from North Side be appointed a Member of the Committee.

MR. [illegible]: Mr. President, I would also like to again nominate the lady Member from Central Town.

MISS ANNIE E. ROGERS: Mr. President, with all due respect, I have resigned, and I intend to stay resigned. Thank you Sir.

MR. PRESIDENT: Well can we take a vote on the proposition, that the Honourable Member from North Side be a Member.

QUESTION PUT: AGREED

MR. PRESIDENT: THE AYES HAVE IT, THE AYES OF SMALL MOUNTAIN.

MR. JAMES M. [illegible]: Mr. President, in that case I wonder if we could elect the Board Electoral Member as an Honorary member of this committee, Sir.

MR. JOHN J. JEFFERSON: Mr. President, I would nominate Mr. Claude Hill.

SECONDED BY MISS [illegible] B. BODDEN

MR. CLAUDE M. HILL: Mr. President, I do very sorry, as a member of the committee of the Civil Service Board, I decline the nomination, Sir.

MISS [illegible] E. [illegible]: Mr. President, if I am out of order, please Sir tell me, but as I understand the Chief Official Member is the Chairman of the Civil Service Board, I am wondering if there would be any bias in him taking a part on this very controversial subject.

HON. D. V. [illegible]: Oh, well the day that you were taking the application before. [illegible] I still have it.

MR. JAMES M. [illegible]: Mr. President, if I am out of order please sir, Sir. But it is difficult to understand why Members of the Government Bench have only been to take credit for so many things and are so not we are agreeing to committee, with this particular committee Sir, some of them will serve on it. There must be some justifiable reason. I think the house should be told, if there is.

MR. JOHN D. JEFFERSON: Mr. President, I have to nominate Mr. James Bodden, the First Elected Member from Bodden Town.

MR. JAMES [illegible]: I decline.

[illegible], A. G. [illegible]: Mr. President, may I suggest, since all the Members are declining this high position would we get some citizens from outside to accept the post, and at the next sitting of this House we will advise you who is willing, and have him come to the House.

MR. PRESIDENT: I think if it is to be a select committee it must be made up entirely of Members of the Assembly. I think that is the term of the resolution.

MR. [illegible] M. [illegible]: Mr. President, you would permit me Sir, I was the person I think, who brought this to the House. It was I was the seconder, and being I brought this and asked for a four member committee. In view of the fact that some of the Government bench would like to serve on this particular committee, I would therefore ask that additional seats to the three members that we have Sir, instead of the four.

MR. PRESIDENT: I don't think that we can alter the terms of the resolution, but there is no reason at all why the committee should not function with those members who have been appointed, who have resigned, a second appointment has been made today, there is no reason why the committee should not proceed with the consideration of bills.

CAPT. A. A. HEIN: Mr. President, I nominate the first elected Member for West Bay to be a Member.

MR. T. M. FARRINGTON: Mr. President, the name remains Mr. Hill goes. I could not accept the nomination. I decline.

HON. PRESIDENT: I think we had better bring this to a close; we've got a sufficiently acceptable membership of three members, and I think they are quite capable of submitting a report to the House.

MR. JEFF D. FERRINGTON: I wished to thank you Mr. President, and I intended to say, that as far as we concerned we are prepared to live up to our obligations and responsibilities. And I also, if this is the last sitting of Parliament for the day, want to take the opportunity of saying how pleasant it has been in the first session of the year 1976. Certainly it has been a good flight. It has been very profitable legislation brought before this House. We are getting on with the business of the Territory, and certainly equal to any that takes your able leadership I think the good ship shall, with Good help, succeed.

Closing with a little bit of humour, it certainly is the first time that I have seen in this Chamber, the opposition was edged over the winning of two motions in one day, the First Member from Bodden Town broke off his microphone. I'm glad to share in those sentiments we do feel pretty well united. But Mr. President, the service in which we have conducted business in this session. I think the spirit that speaks highly for the people of the Cayman Islands, and for our representatives in the whole.

I want to thank you very much, and may God bless you.

HON. L. V. McCOY: Mr. President and honourable Members, it seems to bring us to the end of the order of business before the House, not only of the day, but of the Session, and I would move that the House stand adjourned to a date to be fixed. The Select Committee, but to a date to be fixed.

ADJOURNED BY HON. G. L. McCARTHY.

MR. SPEAKER: Before I put the motion to the vote, I would like as usual to pay tribute to the Clerk's office, the Sergeant-at-Arms for their assistance with the business of the session. I'd also like to thank Honourable Members for remarks which they made about my scholarship during the debate on the speech from the throne. I can manage up to a point the compliments on the preparation of the speech, but that was greatly assisted by Heads of Departments and Civil Servants who made the material available for its preparation. As regards the plaudits which was given to me as Governor for the policies and plans of the Government, I think Honourable Members themselves must take the credit for this state of affairs, and particularly the Executive Council, who are responsible for advising the Governor, and examining plans and policies to this Chamber for the legislation to be proposed. So that I want to make it clear to the public that, in the compliments that were paid to me as Governor, it is you Government Members who really deserve any compliments made towards the throne speech.

I think now that Honourable Members would like me to express thanks to the Honourable Attorney-General. Although Members may not be agreed on all sections of the bills which have been presented, but it is little doubt that his able presentation on these legal bills has greatly assisted the House as a whole. In examining that properly and carefully, and I am sure that the Select Committee will profit from his membership when it goes through these bills in committee. So I thank you very much for any remarks paid to me during the course of debate in this meeting.

MOTION PUT. AGREED. AT 4:55 P.M. THE HOUSE ADJOURNED SINE DIE.

PRESENT WERE:- HE EXCELLENCY THE GOVERNOR, MAJOR THOMAS RUSSELL, CBE
PRESIDENT.

GOVERNMENT MEMBERS

Hon. D.V.Watler, OBE.,J.P.	Chief Secretary and Leader of Government Business. First Official Member
Hon. G.K Rankington, CBE.,QC.	Second Official Member, Attorney-General
Hon.V E.Johnson, OBE	Third Official Member - Financial Secretary
Maj A.E.Bush,J.P.	First Elected Member - Member for Works, Communications and Public Transport.
Hon.Trevor Evans	Second Elected Member - Member for Inter-Island Co-ordination and information.
Hon.Thomas O.Banks	Third Elected Member - Member for Social Services, Education, Medical and Labour.
Hon. W.K.Connolly,OBE.,JP	Fourth Elected Member - Member for Tourism, Lands, Natural Resources & Water

ELECTED MEMBERS

Mr. T.M.Fairington, CBE.,JP	First Electoral District, West Bay
Mr. John D.Coffinson	First Electoral District, West Bay
Miss Annie T.Bodden	Second Electoral Distri t, George Town.
Mr.Vincent M.Hill	Second Electoral District, George Town
Capt. G.A.Smith	Third Electoral District, Cayman Islands
Mr. James Manderson	Fourth Electoral District, Bodden Town
Mr. C.Craig Bodden	Fourth Electoral District, Bodden Town
Mr.Craddock Banks	Fifth Electoral District, North Side

ORDER OF THE DAY

EMERGENCY SITTING OF THE GAMBIA LEGISLATIVE ASSEMBLY

THURSDAY, THE 29TH MAY, 1975

AT 9.30 A.M.

PRIVATE MEMBERS' MOTION

TO BE MOVED BY MR. DAVID K. BOWLEY TO BE SECONDED BY MR. S. HAIG BOOKER
CONSTITUENCY OF BOLOGO EAST

WHEREAS THE DO AND HOLD THAT IT IS CONSIDERED

THAT INDUSTRY DOES IT NOT SEEM A TIME FOR THE PUBLIC TO INTELLIGENTLY

DEAL WITH THE DEVELOPMENT PLANS AS CONTAINED IN THE TOWN DEVELOPMENT

LAW OF 1971

BE IT THEREFORE BE IT RESOLVED THAT THIS HONOURABLE HOUSE DISAGREE A MOTION

INCORPORATING THE TIME AS CALLED FOR IN SECTION 9 SUB-SECTION 3 (A)

LAW 28 OF 1971 AND BE EXTENDED STATE FOR A TOTAL OF EIGHTY

DAYS.

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EXTRAORDINARY MEETING

OF THE LEGISLATIVE ASSEMBLY

THURSDAY 1st MAY, 1975.

9.07 a.m.

MR. PRESIDENT: The Assembly is in Session. I shall ask Rev. Banks to say prayers.

REV. BANKS: Let us Pray. Almighty and Everlasting God, our heavenly Father, source of all wisdom and of all power, we pray for those who govern these Islands, we pray for Her Majesty the Queen, for all Members of the Royal Family, we pray for the Ministers of Government in Britain and in the Cayman Islands, and especially we pray for His Excellency the Governor of these Islands, we pray for the Members of the Executive Council that on this day at this opening of this special session, we pray especially for this Legislative Assembly that they may be granted thy Divine Wisdom that in these days of swift change that may be helped. That these Islands may continue to be the place of love, justice and of security. Bless each one of them in these deliberations in Jesus' name we ask it, AMEN.

MR. PRESIDENT: Please be seated.

There is one matter for discussion on today's Order Paper and before we begin the debate I would like to remind members that the debate is about the motion for an amendment to the Development Planning Law and the debate is not about the Draft Development Plan. So we shall proceed that way with the matter before the Assembly.

EXTRA MEMBERS' MOTION
INCREASE AMENDMENT TO DEVELOPMENT PLANNING LAW

MR. JAMES M.BODDEN: Mr.President, Fellow Members, the motion before you reads

> WHEREAS DUE TO THE FACT THAT IT IS ACKNOWLEDGED THAT THIRTY DAYS IS NOT ENOUGH A TIME FOR THE PUBLIC TO PARTICIPATE ORAL WITH THE DEVELOPMENT PLAN AS OUTLINED IN THE LAND DEVELOPMENT LAW OF 1971
> THEREFORE BE IT RESOLVED THAT THIS HONOURABLE HOUSE APPROVE A MOTION INCREASING THE TIME AS CALLED FOR IN SECTION 8 SUB-SECTION 3 (a) LAW 28 OF 1971 TO AN ADDITIONAL SIXTY DAYS FOR A TOTAL OF NINETY DAYS.

This motion has been circulated to the House and gotten your approval, Mr.President, for the calling of this special meeting - it had been signed by seven members of this Assembly and it has been duly seconded by my colleague from Bodden Town.

Mr.President, we are assembled here today for what I consider to be a momentous occasion. We see our democratic system in motion - we see the work of our Constitution and our Standing Orders which has enabled us to be able to call this session. I am proud, sir, to be moving this motion and to be one of the members associated with it.

What we enjoy here is British justice, which has been fought for on on from the days of the Magna Carta and we are here today in our small way and in our small Island to defend the rights that we believe we have.

MR. JAMES M.McCLOY (CORRECTIONS): In the medieval system of years ago it was considered that all men were subject to God. In the new Cayman system, unfortunately it seems that a few men have become Gods and they wish to rule us, use us as instruments of their will. If these things were not happening, Mr.President, there would be no reason today for this special meeting. Power and glory seem to have a way of undermining the judgment of some people and it does seem to place delusions of grandeur in their minds.

Mr.President, this matter is an old matter to the people of these Islands because it first came to us in 1971. In 1971 it created terror in this Island - it sent this Island on a course which it had never followed before. Thank God, the people were intelligent enough, although people thought otherwise, to hear it like man and woman and we had no trouble, but we must remember that time changes and people change and the people were prepared to accept only so much.

1972 would probably like to be forgotten by a lot of members of this House, but we are now in 1975, four years later and we find much the same thing, only worse than what we were faced with in 1971.

The people in 1972 stood strongly against the Land Development Bill and the Plan that went along with it and I would submit to this House that that was a good, compared to the one we have now. During that time we saw a wedge brought to our silence, the first time it has been done in hostility, we saw our Assembly rounded up, man and woman being picked as they went through the doors because of gaols and, Mr.President, I am certain of the Members of this House join with me in saying that we do not want to see such a thing as that happen again, in 1975.

I will agree, Mr.President, that the responsibility of high office can sometimes be burdensome, but it must only be remembered by men and women who sought or freely accepted them - men who not only accepted the obligation to gain power but the obligation to account for its use as well and that is one of the reasons that we are assembled here this morning is to bring those to accountability who would like to think otherwise.

I have no hesitation, Mr.President, in submitting to this Honourable House that in my humble opinion the members of Executive Council have not fulfilled the obligation to the people because it is them who must first put laws or bills, regulations and so forth before they are submitted to this House and to the people. The new elected people who have been put into Executive Council to represent not only the wandering Eagle on this side of the Bank, but the entire country of the Cayman Islands, have been silent as to do so. They have not fulfilled their obligations either purely, as their representatives, should have known something more about this plan than what we know. As far as I am aware it was not one member of the Legislature, on this side of the House, who was ever acquainted or asked any opinion, but I think if we take the law and we even certain sections of it you can readily see that it could have been worse and you could not have been condemning the law.

People have said that it was not necessary to call the Assembly in session to deal with this, but I submit that that is the only manner in which this matter could have been dealt with. The law simply states "30 days" to make objection and if we were to allow that thirty days to elapse, nothing could be done until it got back before the Assembly and any two or five of us on this side were against it and the eyes of the other

MR. JAMES M.BODDEN (Continuing): Mine sherry is. This is only the first salvo in a long war. If any one has the idea that the people of these Islands are prepared to accept a plan which we consider very ridiculous.

I would like to remind the House that years ago three Boy Scouts in the United States report to their Troop Master of the good deed they had done that day. When asked what it was they said they had helped an old lady across the street. He asked that why did it take three of them to do so - Mr.President, the answer was " She did not want to go". My answer today is, I do not want to go, the people that I represent from Bodden Town do not want to go and the people of this Island do not want to go, and most of all I will say, Mr. President, as long as they feel that way we will not go either. We will be like that old lady - it'll take more than three people to put us across the street.

I feel, Mr.President, that my colleague and myself, in tabling this motion here today, are duly qualified to do so because I consider we have a mandate from our people. We have circulated a petition and on that petition from our own district we have approximately four hundred signatures. I do not know how many of the other members have signatures to theirs, but we have it to sure, and so long, Mr.President, as we have this type of support we are going to be here a long, long time arguing about this.

The Development Plan, Mr.President, it has been circulated to us, has been a long time in coming and I will give credit where credit is due by saying that it is probably one of the best publications pieces of material that our Government has ever embarked. It has given us a lot of facts and figures but, Mr.President, that is a very long document - it takes a long time to read it and I am sure that the members on the other side will say it'll also take a long time to comment on it, and understand it.

But most of all is the cost involved. It is too horrible to submit to the people and it costs too much which means that most people in this Island today probably know but very little of what is in this plan or even why we are meeting here today, because some of the people in the Island have really not been recognised for it to be presented by their Constituted Members.

Four years ago the plan was rejected by the Assembly - it was rejected by the people and yet for four years that plan has been in existence, has been used and we have been governed by it - that is the plan that was thrown out of the window was not supposed to have been used yet we were hood-winked and it was used. Now, we are being given another one that leads us further back into the wilderness. The people of the Cayman Islands have but very few assets. The main asset in Grand Cayman happens to be land and as long as that remains in private ownership the people have a form of social security for their old age. When we do some of the things that we are thinking about doing, those people are going to be left as paupers - what are we going to do with them? Have you people no conscience?

If we keep up the way we are going, Mr. President, we will soon be finding something similar like this before this House. Which I am surprised it hasn't come already! This is a bill which will come into law in October this year. It is a very controversial bill. - The Community Farm Bill - read it and find out what's happening over their good land, and I am telling you as long as one drop of rain will come in my room I don't even have to sit in this House to shoot at that.

SIR JAMES M.BODDEN (Cayman Brac) I'll be objecting otherwise, because something like this will never come here, I hope.

Our people, Mr.President, over three hundred years ago find their mother countries - regardless of what country it was and they came to these shores and so far we have had democracy here, we have had a country, that has been stable and has been considered to be democratic and by God's help we are going to keep it that way.

We must change this, this meeting to allow the people to have an additional 90 days to make their objections - 30 days is insufficient, particularly when it has to be written. Most people do not like to write besides that they can easily be lost somewhere, we are asking for the 90 days and in that 30 days we hope that there will be enough signatures so that that something can be done further than just the meeting today. I had thought about dealing into different parts of the Development Plan, but I think I will leave that for winding up. I would only like to say to the people of this Island, do not be deluded; when the people from the Civil Service Branch of Government, and they be some of the Minister representatives tell you that here is fear of it going into law you can do anything you want with it - we'll change it to suit you. I am submitting to you that the only place in that law that tells for discretion is not going to help the man on the street - that discretion there is loaded, it is loaded in favour of of certain class - it is not loaded in favour of the man on the street. That law cannot be changed by the whims and fancies of anyone, until it comes back to this Legislative Assembly and is approved here, so anyone that misleads you by telling you, have no fear because we've taxed this - that's protected - because if you don't like it they way we will let you get away with it - that isn't so. If that happens, Mr. President, we can going to have more trouble than we have here today because these types of laws are what is making crooked people out of honest people.

We should have, at a later stage, before this House a new law completely on the Development Plan, and in the event one we should have it to where the meetings are public. Anytime that you can hold a meeting in private and are able to lockman a man without him having his accuser you do not have a democracy - that is one of the objections I have had about this law from the time it came into force, so Mr.President, I urge that someone will see in the near future that some changes are made, for just what we are arguing about today and on the entire law that we are faced with.

We have approximately 14,000 people on these Islands and we do have quite a bit of land, We have some poor people here that own quite a bit of land and when we protect that, then we protect it away from them, when we make taxes out of it, when we make it uneconomical ventures, just what can the people going to do with it? The economic value of it has lost, believe me, our economy is fragile enough as it is. We cannot stand too many ramblings. We start tampering with a lot of things on which we have built this law known aspect, on which we have built the country that we have today, you are going to find that the investors are going run from our shores, not flock to it, and we will have no one to blame for it but ourselves - we can only protect ourselves as long as we want to be protected and you cannot protect a man against himself. Retroaction is good for the people, be against but please let's not overdo it.

MR.JAMES M.BODDEN (CONTINUING): Let's give the people a little bit of freedom, let's give them a little bit of choice as to what they want. Let them say if we even had to have a referendum on this particular subject in the future let the people tell us what they want. If a man is willing to lease his land then let it be by his own free choice.Let it not be by fiftteen of us in this Assembly taking that man's land, via only means, and telling him we are going to give you two dollars a month under the Poor Relief Law because you've lost your land.

I imagine, Mr.President I had better stop because this is a subject if I use enough up or I shall speak all tomorrow, but I am hoping that some of the members coming behind me will support that this motion was put forward by two sudden from members and support it for the good of the people because they are not supporting the Solon Bank members - we don't care, all we want is the entire population of this Island supported that this be done, Sir. So I hope they will be able to bury their feelings for once and vote for the good of the country. Thank you, Sir.

MR. G. HALL (ROOMS): Mr.President, I second this motion.

MISS ANNIE B.BROWN: Mr.President, I rise to speak this motion. The only difference is that if I had my way it would be postponed for six months.

Today marks a historic day in our Island - this first day of May, five years ago, we had the biggest demonstration that was ever seen in our Assembly. We had a marching laying in the harbour we had policemen with guns and ammunition in the Town Hall - we had the windows barricaded and there was general confusion - all appear, simply because of the Interim Control Land Bill and its Regulations. Now we, Mr.President, abolished a calamity and I trust that we shall be able to do the same with this new law, not a new law exactly - a four-year old law, but a law which is now to become effective.

We are asking, Sir, and I sincerely hope that we get the support of the Honourable Members of the other side like we had it five years ago. My colleague from George Town, my colleague from North Side tore the barrier away from the windows so that we could have fresh air to breathe. The police had to give up their guns and their tear-gas and we had, after that, a small, a collective meeting and I trust that we shall never have to resort to such measures again.

We were elated in that meeting. I have a book here - Politics - Caymanian Politics - which give the details of the march, the meeting and the final conclusion that we had the Regulations changed. Now, Mr.President, that came about because of an Interim Control Land Bill to take care of the old Planning Law from 1971. I am happy to say that in that Interim Control Bill there were three opposers, my colleague from George Town - I am not calling their names, and myself - we saw that it would eventually bring calamity but we awaited that in that instance. But now we were faced with something worse. We, as legislators, I must tell you, Sir, were completely ignored. We planned this as in 1971 and the plan was delayed, finally we insisted that we have a plan to be put forward by June. Now this has been, I would say, a conspiracy, because we were never told, even when there would be a public meeting - that happened, we saw it in the newspapers - we were never consulted - we were never asked. I would like to add here this is not a political issue, this is a national issue and I as a legislator, although I am a woman, intend to fight, not to give my blood, as some of the people have threatened, but to fight it in a sane, sensible way and I trust, Sir, that what we are making today there should not be one dissenting voice -

MISS ANNIE E.RODGER (Continuing): not one. In fact there should be a council meeting to make it six months to study this, because this Plan, this law is taking away the rights of the people and we, we a democratic people, cannot allow that.

There was a public meeting in George Town on Monday night and there was one speaker who said where we will expect this kind of a plan in Russia, or Cuba or some communistic country, but not in a country where we pride ourselves that we are a democratic people. And I feel, Mr.President, no blame can be attached to you, because this thing has been brewing for the last five years and I feel, Sir, under your able leadership that you willgive directions to the people who should consist in making this extension possible. We are not asking for anything out of reason - what we are asking for is for protection for ourselves and the future generations.

Reference has been made that on the Plan which I am not going to refer to that there were concessions given to certain people because of who they are - we don't want that sort of thing. We are not hoping to make a plan that will please each and every individual, but we are hoping that we can get this extension of time so that this plan which is now before the people that they shall have sufficient time to go into the merits and the demerits of it. And I feel, Sir, and I hope, I pray and I implore you, who represent the people, that you will take a stand today to show that you are really worthy of their trust. Thank you, Sir.

HON W. C.MCTAGGART: Mr.President, Honourable Members, I rise to speak on this motion, this private members' motion. At a recent informal meeting, Mr.President, with Members of the Legislative Assembly, the question of the time allowed for public viewing of this Urban Development Plan was discussed, and at that informal meeting the Honourable Attorney-General advised the position and outlined the procedure if such request was formally sought from Government, and I take it that it is as a result of that advice that a special meeting of the Assembly was summoned for such a motion put before the House.

I think the requests are supported generally for the extension of time for public viewing as set out in the Development and Planning Law, 1971. The time allowed in the law is one month. Now, Mr.President and Honourable Members, a great deal has been said about the Development Plan - it was been referred to as a Plan which was made with four years ago - what was dealt with four years ago was the Planning Regulations made under the Development and Planning Law. The Development Plan which we are now discussing and now out for public viewing is a document which is required under the Development and Planning Law to be presented to this Legislative Assembly by the Central Planning Authority. The procedure for dealing with that plan, Mr.President, is laid out in the law - its laws to be read by all concerned, members and the public alike, and I would like to say that there is no such thing as any matter of Government or any Civil Servant seeking power and/duty and seeking to hold anything secret. We quite appreciate the right of the public, we acceptalm the right of this Honourable House and there is no intention to do otherwise.

Members will recall that a motion was presented by this Honourable House on the 11th of December, 1973 and the motion required Government to place before this House a Development Plan and a time limit was for the Plan to be presented, and that time limit was the 30th of June, 1975. Mr.President, if Honourable Members reference back to the notes on the debate on that motion it will be seen that there were Members,

HON.F.C.JOSEPH (CONTINUING) and essentially the Member who presented the motion wanted to restrict the presentation of the plan to any earlier date and that date was suggested as the 31st of December, 1974.

I am not too certain what members or anyone else had in mind that was a complete - development plan, but certainly it was clear by Government at that time that unless the document would consist of perhaps a dozen pages written hurriedly that such a plan could not be ready in that short a time. I am sure that Development Plan is a subject which is well known in all countries - it might be new to the Cayman Islands but there are many people who have experienced of planning in other countries, and I am sure that this honourable House knows that to produce a development plan which is a reasonable document will take some time, some countries many years to produce it. But, Mr.President and honourable Members, because the Government wanted to be very sincere with the wishes of the Legislative Assembly and with the contents and requirements of that motion of the 11th of December, 1973, it has put about to provide the machinery to produce that plan. I would like to say that it was no easy task - planners are difficult people to find, experts in getting materials together are not that easy to find, if such have to need.

As I said before planners are difficult to find, perhaps after the plan is produced we can find a genus number.

Sir, Mr.President, as I said before, as the Member responsible for presenting this Plan to the Legislative Assembly, I support the motion which is brought here but there is one item which I am a bit worried about, and that is the programme which has been set for presenting this Plan before the Legislative Assembly and secondly, that we must abide by the provisions of that motion which was approved by this honourable House and which has not yet been amended. We are still committed to present this plan before the Assembly by the 30th of June, 1975.

The document is a fairly lengthy document - its contents are fairly complicated but I am sure that after the first and second reading of the document, which would not take very long, for we all fairly brought acquainted but I am sure that it does not take very long to send a document that is perhaps a hundred and one pages, and at the second reading we should be reaching some decision as to whether or accept or we reject the contents of that plan. Mr.President, I would like to say here that there is no obligation on the part of this House, on the part of Government, or on the part of anyone to accept this Plan as any other plan presented to this Legislative Assembly - the prerogative is entirely with the Legislative Assembly to accept or to reject, but suppose it not unwise Government or reading for many and query it, maybe we get a document across this House - this is definitely certain. This Plan has been presented by a body, which I think deserves credit and I agree with the Honourable First Elected Member from Bodden Town Mr. his remarks and I thank him for the compliment to the team - they deserve it - it is a very good document. As to the contents, it is now to the public hour, regardless of what the public or the Planning Tribunal may recommend after receiving public objections and comments, the final decision is with this honourable House, as however here are going to be ultimately responsible for the Plan.

The contents of the Plan are the things which we have to look at, every person has the privilege and prerogative to make his objections or his comments. The question before this House this morning is what time is required for this particular process in which the public must examine this document and intelligently make its objections and comments.

Hon. V. C. Jones (continuing) ... Mr.President, I am beginning that if there was a dire need of extending the time to three months I daresay that Government would be willing to forego the programme to promulgate a new programme and to do all one to meet the wishes of the public, but it is my personal opinion that a period of two months instead would be a reasonable time and by adopting two months the public would still have sufficient time, because right now everybody knows the contents of the plan - there are signatures - someone spoke about a hundred and odd signatures and perhaps by the end of the process there will be a thousand signatures - well, it seems that if somebody is spending their signatures to something that they must be know what they are signing for - I don't put my signature to a document unless I know what I am signing. Unless the people have placed utter confidence in their leader and accept what their leaders are doing. In that case the leaders should be able to do this in a month - not two months or three months.

Mr.President, I rose to support the motion, I intend to support the motion, but I am putting forward no harshness that is under cut to upset our programme and in order to comply with the wishes of the members by that motion of the 11th of December, 1973 that we extend the period for public viewing from one month to two months.

Mr.President, I would also like to say again that the motion, regardless of in what form it is accepted whether in the original form or whether in an amended form will have absolutely no effect at the time provided for public viewing unless this is followed by other actions, and the other actions was to amend the Law to provide for this extension of time and I would like to say that if the amendment to this law is not completed before the expiration of the present two months which is allowed for public viewing of the plan, then the amendment will be of no effect at all, because the law would have run its course. Therefore I would like, Mr.President, to propose an amendment to the private members' motion, and before I propose that amendment, Mr.President, I would like to say that a lot was said about the 1974 vis 1971 demonstration, but that particular incident touched on the planning regulations, unless I recall a lot of unpleasantness things have happened during that time but I think if we take the amended regulations and compare them to the first set of regulations which caused disappointment, caused people to gather together and rise against Government in demonstration, then we will see, so far as the public is concerned, that greater restriction was placed against them in the amended regulations.

Today we are not talking about regulations, Mr.President, today we are talking about a Development Plan which is required by the same planning law, Development and Planning Law, 1971 and I would like to say that the boat was rocked in 1970 through that demonstration and fortunately for us, we were entering a period of economic boom and the disaster of that particular time died away quickly. We are facing a recession at this time and I dare say that another disaster at this time will not end in the same way.

There is no reason for concern by the public nor by the Members of this Legislative Assembly as far as this Development Plan is concerned because everybody has the equal right to deal with the plan as he sees fit. The Law provides a process by which the people or the people's wishes can be examined and justice rather sub. There is no reason for a demonstration or for any such thing, unless we do not wish to proceed according to the provisions of the Law, but I think we are all law-abiding citizens.

There is no intention whatsoever, Mr. President of taking away any privileges from the people through

HON. V. S. NAIPAUL (CONTINUING) the provisions of that Development Plan - there is no intention whatsoever of taking any land from anyone - I want this to be clearly understood, whatever is presented in that Plan is presented for the benefit of the people and whatever is there is for the people and no one else. If they wish to object to it, object to it, but Government has no intention of depriving or taking away anything from anyone. The land is the people's and they have a title for it and it shall always remain in their possession.

Mr. President, we are not allowed to debate the contents of the Development Plan and rightly so because the first time that that Plan is to be debated by this honourable Assembly is when it is formally presented to it, the Plan has not been so presented as yet and therefore we cannot go into any detail that would prejudice the mind of the members of that Tribunal and others if we begin to mention any of the contents of that Development Plan, therefore we must stick strictly to the motion that is before the House.

Mr. President, I would now wish to present the amendment to the private members' motion and I would ask Members to consider it in the light that it is put forward by Government in the best interests of all concerned. There is no intention whatsoever of depriving the public or Kenyans of this honourable House of any of their privileges - they are there - all we are saying is that in order not to greatly upset the programme or to upset the provision of the motion which was accepted and passed by this honourable Assembly in the life of December, 1973 that we should confine the period for public viewing of the Development Plan to a period of two months instead of three which I would also like, at the same time, to add a second operative section to the motion.

Mr. President, I will now read the amendment to the private members' motion.

" At the end of the operative section delete the words "sixty days for a total of ninety days" and insert "thirty days for a total of sixty days" and the addition of a further operative section to read

AND BE IT FURTHER RESOLVED that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a Bill to amend the Development and Planning Law, 1971 accordingly".

Mr. Speaker, I put forward the amendment to the motion and I am sincerely ask all members to support the motion because it is presented in the best interest of the people and members of this Honourable House. Thank you, Sir.

HON. D. V. KIMANI: Second.

MR. SPEAKER: An amendment has been proposed to the private members' motion which reads as follows

THAT the motion be amended by deleting the words at the end of the operative section "sixty days for a total of ninety days" and inserting "thirty days for a total of sixty days" and the addition of a further operative section to read

AND BE IT RESOLVED that Standing Order 21 be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a Bill to amend the Development and Planning Law, 1971 accordingly.

MR.JOHN MACTAGGART: Mr.President, Honourable Members, I rise to speak on the motion that is before us and on the amendment to the motion.

The original motion before us

MEMBERS due to the fact that it is considered that thirty days is too short a time for the public to intelligently deal with the Development Plan as contained in the Development Plan of 1971

THEREFORE be it resolved that this Honourable House approves a motion increasing the time as called for in this section of the Law, the Development Planning Law, 1971, Law 28 of 1971, section 5 sub-section (1) (a) from one month three months.

This motion, Mr.President deals with the time of exhibition which will enable people to study the detailed plan that covers every phase of life in the Cayman Islands.

I feel, Mr.President, that I too have an important role to play here in this Legislature in the fact I too represent the people of the Cayman Islands to which I feel humbly proud to be able to do.

I am in no manner apathetic about the Development Plan - it is always a most controversial plan and as you rightly said, Mr.President, in a meeting in West.. May that in a lot of countries the Development Plan is presented to the Legislature and the public have not a chance to object. When they do see the plan it is brought it has already been made law. But the people of these Islands, Mr.President, and we are unique in this - that we have an opportunity to object, make any changes in the proposed development plan of the Cayman Islands .

I heard a lot of statements made, a lot of rumours and I must say a lot of irresponsible statements in relation to the proposed Development Plan, because the proposed Development Plan is exactly what it says, as far as I am concerned. It means that no planning authority in these Islands or any other Islands can enact any plan to be brought into these Islands without it is the duty of the Legislative body of this Chamber to so do and no one else has any such authority.

I do not associate myself and I would say that I dissociate myself with any statement that Government is trying to railroad any such plan down the throats of the people of these Islands. I am a responsible leader, Mr.President, and I share no such thoughts, I am not a part of any such statement because I know it is untrue. I have been in this country from 1965 I've been elected and I have never up until this day ever witnessed this Government trying to railroad anything that would be to the detriment of the people of the Cayman Islands.

Mr.Speaker, as leaders we have to keep our ears to the ground - we have to know what the people want but there come times in our lives as leaders that we have responsibilities and that is to lead our people that's the responsible lead that our representatives have, that our Constitution have elected me to - the role of leadership in these Islands - the only proper representation to which I feel I can challenge any member in this Chamber or anywhere else in the fact of honest representation for the people of the Cayman Islands.

In 1970, Mr.Speaker on the introduction of the Interim Land Development, as you have much quibbling in this Chamber about the introduction and what it brought, let me

MR. JOHN BODDEN (CAYCOM): Now you see that I am proud that it brought - it brought the qualities of the Cayman Islands people that had for so long prevailed - the qualities of understanding and peace and how shining which I am glad this morning that I can feel where we rightly belong.

It is true that there were demonstrations brought in this Island but I lay that demonstrations to our faults - one is that Government Party, as far as I am concerned, ever came a poorer job of presentation than was done in the Regulations, and two, that responsible leaders didn't do their share to lead their people - I stand, Mr.President, on that statement because I feel it is true.

We have told them, like we are now and in every debate, no doubt, the train's gone before this Chamber that there will NOT be the development of new Cayman Islands. But to the contrary we have never yet had the development that we have had since the introduction of the Regulations - people wanted to know - they wanted a guide. The outside investor appreciated the Regulations - we brought to do a good job. And the only, I believe, changes that were made in these Regulations have come here in this Chamber and those were required amendments that were changed have come back and again placed into these Regulations. Why? Because three regulations did one thing and that was these Regulations were made for the benefit of the people of these Islands and for the good Government of this Territory.

What have we changed in these Regulations? Everything, I believe, that was changed we had to come back and again bring about new amendments but, to our dismay, some of this work has been lost - the damage had already been done.

The statements made in relation to warships being brought to this territory....

HON. MARIE H.BODDEN: Mr.President, on a point of order, I accept any impression made to the speech that I have already made.

MR. JOHN TATHAM: Mr.President, I shall get on with my job.

The statements made about warships being brought into the waters of this territory, Mr.President, the time had come for men to stand up and be counted and thank God, they did - today we still live in a law-abiding country - we still live as honourable citizens in a free country and I am proud to be a part of this territory.

Mr.President, in reading the proposed Development Plan I, for one, seen a few concerned, I, for one am not a real concerned citizen about this proposed plan because this proposed plan is no more than a piece of paper, as far as I am concerned and any plan that is brought before this Legislative body will have to be believed no more and fit the needs of the people of the Cayman Islands.

There is one thing, Mr.President, that I must not overlook and that is that my job as a representative is not only to look out for the few people but my job is to look out for the many.

All the statements I heard this morning, Executive Council hasn't done its job, Legislative body - Mr.President, that plan was not passed by the Legislature - that plan didn't come from us - that plan came from the planning authority. I say this that as far as I am concerned when we approve of the development plan, I am sure it won't look the way it looks now - I'm sure it won't look the way it looks now.

MR. JOHN J. TIBBETTS (CONSTITUENCY) Mr.President, let us be honest - this member speaks of having something like over 400 suggestions - I wonder how much time these people have had to study what they have signed....

MR.SPEAKER (Interrupting) Mr.Tibbetts, let the member speak for himself - may be he might get some in his own district

MR.JOHN J. TIBBETTS (CONSTITUENCY) Mr.President, we need a Development Plan - I believe we have materials before us to enable us to put what we want. I notice that the planning authority has done a tremendous job. A lot of time and study and expertise has gone into this proposed Development Plan. But make no mistake about it - I believe that I as a representative of this Chamber am better able to know what we want than anybody else in this territory. And they have done the job, I believe, in all fairness - a job that we have to compliment them for.

The motion, Mr.President, which seeks for an extension of time ,I have no qualms about that - I have made up my mind and this Development plan that, as far as I am concerned, I am going to do everything possible to look and put the point of the people and I am going to do everything possible to give them the representation that I believe that they rightfully want and need. By the other same token, I want to give everybody else I believe what he deserves - what is just.

This Government, Mr.President, I am aware is not seeking to make hardships on the people - there are laws - there are going to be certain restrictions - let's not kid ourselves about that. But it is for us to find ways and means to make sure that there is no suffering brought about by the introduction of this plan.

I am not debating the merits or demerits when that law comes - I have a lot that I want to say on that, but there is one thing, Mr.President , that I am happy about in the Cayman Islands in these past years and we, very often, talk about the good old days and we are glad that there have been some good old days. But there were days that weren't so good, the thing that makes me happy today is the fact that everybody in this territory has an equal opportunity.

Mr.President, the member bringing this motion asking for an extension of time. We go back to the Hansard report in December the 11th , 1973 and let me quote - the first member from Bodden Town -

"Mr.Speaker, Honourable Members, I have to go on at some length to explain the reason for bringing this " (that was a motion they were bringing) " and this is of particular importance at this time and is seen possible that this Assembly be presented with a Development Plan to comply with this Law as they accept the fact."

They insisted, Mr.President, that this Plan would be brought before this Assembly that year, 1974. We extended the time to June the 30th, 1975. Now does that look like we are trying to sail-road something - does that look like we are trying to force something down somebody's throats?

And then on page 18 again and I quote the member -

" As definitely, Sir, the time has come when this should be done - the time should come when this Plan be done and the Plan should be brought before these Islands, before this people".

And then we see the seconder of this motion, Mr.President, the Hansard report of the Court meeting of Tuesday 11th, 1974 - the seconder. The additional member brought a motion, an amendment and that amendment was introduced

Mr. John B. Jefferson (continued) by the Acting Chief Official Member at that time. The that amendment read. In this -

"WHEREAS the Central Planning Authority has not yet submitted forthe approval of the Legislative Assembly a Development Plan in accordance with sub-section (1) of section 9 of the Development and Planning Law, 1971
AND WHEREAS it has proved impossible for the said authority to submit the said Development Plan within one year of the appointed day,
IT IS HEREBY that the time within the said Development Plan shall be submitted is hereby extended to the 31st of June, 1975".
That was the first official Member introducing that amendment in this Chamber, to a motion brought forth by the two Members belonging the motion, and the seconder of the same.

So you see, Mr.President when we stand up here and talk about we are championing the people's cause, you just we got to be honest about it - we've got to quit playing politics in this Chamber and get on the proper job of representation for the people of the Cayman Islands.

Let me quote the Second Member as he spoke on the amendment to that motion, that's December the 11th, 1973, exactly-second page

"There is some merit in the proposed amendment brought forward by the Acting Chief Member of Government, but it seems to me that the time he has set is a bit long and while I would go along with the amended motion in principle, I would like to see the time set at June, 1974 instead of June, 1975".
Thank the mover of the motion, Mr.President. You know I have a responsibility to the people of these Islands...

MR. JAMES M.BODDEN: Mr.President, on a point of order, please...

MR.PRESIDENT: Does the speaker give way to the.....

MR. JAMES M.BODDEN: My point of order is a question. Sir, at the first and the member that is saying his piece here. Sir, is not in order because he was trying to answer a question that was brought to the House by my colleague and myself in regards to the Development Plan - is how we intend to the extension of it or what have. I will clear it up for his happy ring in a few minutes when I get to the floor again. Sir, but he is completely out of order because it is irrelevant to the motion that is before the House.

MR.PRESIDENT: I think the Standing Orders of the Assembly which deals with the time by which the Plan should be presented is relevant to the extension proposed in the motion for public comment.

MR. JOHN B.JEFFERSON: Thank you, Mr.President, I think that Member just think, that there are not other members in this Chamber who have a right to state their opinion, and believe you this, Mr.President, as long as I am elected member of the people of these Islands, I am going to express that right under any circumstances, and I am afraid to quite there is some merit in the proposed amendment" it is saying on to the twenty second pages, the seconder said. And again I quote -

"But it is my opinion that if this plan has to be very delayed it will cause no progress at all, particularly in George Town because I fail to see where the Development plan can operate be in the event of George Town, and while I would agree with the

MR. JOHN J. MCLEAN (INTERJECTING) First Member with his amended motion I definitely cannot extend the time of grace beyond 1975".

Now you see why we have this Plan, Mr. President in 1975 instead of 1974? Because the Honourable Members of this House objected and were wrong with the amended Plan, the amended motion and extended the time to 1975 instead of 1974.

Then the Gazzetter gives us in the page twenty-two and he says - quote -

"Mr. Mr.President, I think the First Member from Bodden Town will go along with this motion but he has indicated to me that the time-limit is too long,"....unquote -

This here Government is trying to railroad a plan down the throats of the people of the Cayman Islands - they are forced to take something they haven't had time to extend, haven't had time to understand, and we have extended that period of time to 1975, the 10th of June, instead of the 10th of June, 1974.

We are asking that it be extended, the time of objections by the public from 30 days to another 30 days - the motion says another sixty days, which in fact and in fact gives the public, would give the public ninety days instead of thirty days. The proposed amendment, Mr.President, is in order, so far as I am concerned, the proposed amendment gives it two months thirty days, which gives the Members of this Assembly and the public an opportunity by the public of the public in sixty days and the members of this Assembly have an opportunity for one hundred and twenty days to read this Plan and come here and debate what they were confused in the Development Plan.

I can't see anything wrong with that. It is a known fact here or any country that a Development Plan is brought among the Legislature is controversial and there will ever be controversy and it has the right to be controversial, because we want to take care of what is placed there to govern and to guide the development in these countries.

Mr.President, the democratic system in this Chamber is at work, and I rightly agree with that and I trust it ever shall, so and so far as I am concerned, it always will be at work in this Chamber. The democratic process that is governed by the rule, not the minority.

I don't see anybody in these Islands that have got themselves up as Gods -ridiculous statement to make-the thing I don't like in the response there that I find in this Chamber so many times,

I agree to the extension of time - 30 days which enables me to check up with some of the other things, other time-table - I am in agreement with that extension of thirty days and I can promise you this, Mr.President, that if whenever that Development Plan is brought before the Legislature (because the not brought before us yet), whenever that is brought before this Chamber I can assure you that I am going to look at, take note that everything reasonable and everything just is going to be done to make sure that no suffering (suffering) is brought to anybody in this country by that Development Plan.

I thank you, Mr.President, for the opportunity to express myself in this Chamber.

MR.SPEAKER SIR: Mr.President, Honourable Members, I would like, first of all to thank you, Mr.President, for the loss of humanity you have shown in moving this meeting here today. Before, I would like to say that we started with a prayer and I think/prayers are answered and need to be answer - its now.

MR.CLAUDE HILL (CONTINUING): Mr.President, I rise in support of the motion which is before us by the Hon. Elected Member of Bodden Town. The Paper was Cost & Development Plan, as published on the Land Detail (Amendment) Law, 28 of 1971 states that if any objections or representations in regards to any such Plan or proposal is made in writing to the Authority within one month after the publication of the notice referred to in section 2. Now, this Land Development Law has been published in the Law, 1971 books and it is quite clear that the approval of the Plan has to come before the Assembly and as we are not discussing the Plan I have not to say anything on it at present but the time given is what we are seeking - we are seeking time to study this plan carefully and 30 days has been given in 1971 but the Plan to be studied is not sufficient. We now seeking now for an additional length of time to study the Plan.

It is then an opportunity given for Members of the public, as well as Members of the Legislature who are serving the people, who are the servants of the people to study this plan intelligently.

I am who is a layman, and I am sure the majority of people who are in the Chamber are mostly laymen, with a given amount of knowledge, with a given amount of knowledge to forward their intelligence to understand what is proposed before them, and on the present law we have 30 days given to study such a plan. It does a number of years to complete this plan and I would say that I am sure that Members in 1971 when they passed the Planning Law, 1971 Law 28 of 1971, they did not realise how sophisticated the law was on the land. We are aware of the fact that it takes time to do this. As it was once said that every man is the architect of his own life, but very few are able to raise themselves above the ideas of the mass.

We hear much said about call-in meetings. I do not think for one minute, that any one member is of the opinion or of the mind of call-in meeting now but into this Island and to one is of the opinion if any one is to call-in meeting to get before the public matters which they cannot understand.

This Chamber consists of mostly laymen and the public in general consists of laymen. I do not see where it is necessary to withdraw as anyone Officers of doing something but they didn't know, or didn't know what they were doing on the Law - it is not necessary to disturb as the Law which can be amended, and should be amended, and must be amended.

Confucius once said "It is one take an thought seriously is distant he will find sixteen more at hand". Any man can change his mind. I remind of the First Elected Member from Western Area who has this habit before they become one and has a reminder from Bodden Town, if he has changed his mind as well he has stated previously, it is his due right to do so - there is no need for remarks on previous happenings which this are opinions as and is of vital importance to each and every living human being on the Cayman Islands.

A Development Plan that will be had for those islands if they are to develop, but when it becomes so sophisticated we have to make them to look like more than the Plan.

Before sit, the Third Official Member gave us an undertaking in the motion and I am sure that Members will be considering it, those in favour or those against, every man has his due right to pass his opinion. The matter of time in the whole meeting here this morning - it is a matter of time

MR.CLOSE (DEPUTY): whether they go with the motion as it stands or the amendment. They should be told that people can look into this new Capital Plan as it stands and I am sure that there will be politics against the Plan and they have their right, their due right.

Your points are too complicated for this Plan now I am sure, Mr.President, that we, in this Chamber, although we may not see exactly what we wish, we will endeavour to carry on to implement our proposals in the best of our knowledge, at all times. I thank you, sir.

MR.SPEAKER: Mr.President, I am very glad indeed that I didn't further the remarks and the interjections. I am still here on my feet. If the story had gone around that I was out in my garden trying to show people - give people an example to grow some stuff, however, I have not very much to say - the thing is clear cut - there is a resolution before the House and there is no amendment. I heard some reason prior to being here from MHK - I have the honour of being an elected member of this House ever since 1972, so I think I should have some experience and I think on this matter of rail-crossing, I don't think it is the intention of the Government on rail-road ongoing, but I do feel that from experience, bills were passed in this House that weren't fully considered and we were able to correct. That isn't any fault of Government.

Now, I recall back in 1972 when the Planning Law was proposed I think the records will show that I defended the Bill, and I was the lone member - the Members of Executive Council at that time, "No,no, we don't want this". I think you will find it in the records - I said "Gentlemen, I think we should really go through this - the plan - let us go through the law and become familiar and then we will go to the Committee stage, and the objectionable features, as may be we have it, would be taken out. They agreed to that after I made the suggestion. One member now, all the others said "No, we don't want this, we are not going to have it", and I was lucky enough to have been able to convince the then Executive Council members, which has been a very good thing.

I was pleased this morning to hear that my member, sitting on my right was on the Executive Council - that's what I understood him "was on the Executive Council" - I don't know what he was appointed a member of the Executive Council but I will say this, he is taking their part very nicely. (MEMBER - LAUGHTER).

You will see that I have no fear of any rival so far as politics are concerned - I fear no rival - I have good strength at the 24 years and at the last election I topped them all. (MISS ADAM: No SPEAKER - AHEM!) I met the candidates with people and I have told the candidates of the people because they knew the fact that I was postponing their interests and money if an election was called and I urge one of the candidates I have no fear and I am not going to play politics - I don't know how to play politics - I don't think at this stage of the game I don't have to play politics.

I do feel, Mr.President, that in preparing this document, this new development I am glad the consideration was not given by local councils in proportion it. Not to come to the House now and say "Listen" I think they would have been well-advised to have sought the advice and experience of local people who, after all should know, better than the experts, just what should take place here in the Cayman Islands. And that's why I feel that time should be given, now at the same time, speaking on the amendment, I feel certain, although I am not too much in favour of endorsing it by thirty days. I do see a difficulty, and, by all means we must

MR. T. W. FARRINGTON (CONSTITUTION) have a law to bear this out, whatever we make this day. We must have a law and therefore I am in full agreement with the Member, the Chief Elected Member, when he says that there should be an amendment - there should be a time given for the introduction of this law, on the form proposed before we can do anything. I think we followed the advice of the Attorney-General. This matter was discussed in Committee and this thing was raised that we think this is unfairly too short a time for people to examine a document which evidently has taken years, and for the people, who, after all to study this intelligently said "No, I don't think anybody as a matter of fact, because it is too complex".

And I don't profess to be a preacher, I am known that we started with prayer, but I don't know, we have gone altogether away from a sermon, it seems that (MEMBERS - LAUGHTER) AND I think that after all I am not an expert, but I think I have had enough experience and I've tried to pass on what experience I've had to those at my own leagues, but as I've said, I'm not blaming Executive Council, I am not blaming Executive Council entirely, but I do say that when the thing was first introduced to the then Members of the Executive Council, they were definitely opposed to it, so if they had members were now taking that same attitude, they ought to be able to understand that each man has his way of looking at it and I do hope that this thing will be accepted and that some penalties will be made for this law to be enacted and I thank you, Sir.

CHIEF SECRETARY: Mr.President and Honourable Members, I am in support of this motion being amended. Mr.President, this is a complex, a very complex book, a full page and I readily if I were really retired (as some people would like us to be) I would buckle down to it and read it and understand it and put a full stop on it in a month. I feel that it should be read at least three times to fully comprehend the whole thing. But I am a very busy man and I haven't got that much time to devote to it. And anyone who says that we have done so, is either bragging or he has nothing else to do.

I am not against the Plan - I know we have guidelines but I've always been an advocate of cutting off unnecessary red tape as much as possible, and cutting out red-tape. I was so overjoyed to that in a shipping office that I saw a comparatively big shipping office with five people. Where I have been asked both to and out there, or not - And I say, that we are getting wrapped up in bureaucracy every way of our life - we are getting more laws - and without the infrastructure to carry them out and prepared and they are bound to end up.

As a matter of fact, while I commend it. I would rather have seen something come to this House about our water situation than seeing these plans.

As I have said, I am not condemning the plan completely but I say that even Cayman doesn't need this plan - in its entirety - it is too complex - there is too much of it and when you look at it it will frighten people away, I am sure of that. When you have the overall, the entire operation published, you are not going to tell a man "No, you can do what you like, that's just there - forget that". I have seen in this same Planning Board and Conservation Protection Board people using it to their advantage against others and I am one who has been discriminated against. So don't tell me it doesn't happen - it has happened and it will happen again, as long as you have that type of a man on the Board, as there is no objection to it.

Now, we are talking here, we don't need any Plan there - out of this Country, not in another ten years -

CAPT. A.J.Bell (Continued): ...we could run wild, crazy since our forefathers have died of lethal poisoning in 1917. As 1971 we have been in the doldrums and we don't need anybody to tell us what to do with our lands. A few guide-lines, may be, if they can come up with something else but certainly not what is here.

The Plan...,

MR.PRESIDENT: We are not debating the Development Plan... We are not debating the motion or the Development Plan this morning.

CAPT. A.J.BELL: ...No! The Plan is ambiguous, quite ambiguous and is Greek-coded the people in Cayman Brac and in Little Cayman. And Mighty me when you move off their beach and tell them its protected area - they must know how much protecting going on down there and who is going to be able to do anything on the beach, so they didn't escape it.

I am all for renewal if the extension of the time limit because I haven't been able to read it through yet - I may object the majority of it and I think that more plans should have been given to the people at less cost. I am sure that not more than 5 or 10 people have been able to read that Plan in Cayman Brac, or up to the time I was there last week, I think there were only two or three of them sent up there and those are not very many people in this community who can proceed to pay $20 for a plan and can, in fact, afford it and it is not right to drum something down their throats without their permission - their direction or something, I think they should have been consulted, I think they should have been more in the know-how - I just think that the plan leaves with Cayman Brac a bit.

I am in favour of the Third Official Member's suggestion of one month. I wouldn't like to it being so. I think that another month will do and I could talk a lot about the Plan. But I will say the people have said it, they have refused it, rejected it and the Planning Authorities have given them assurances that they are going to make changes and so I will stop here, Sir, and give the other people in Cayman a chance to talk about their island. I thank you.

MISS ANNIE BODDEN: Mr.President, will I be allowed to debate the second counter motion, also?

HIS EXCELLENCY: I think I would allow you to talk to the amendment.

MR.A.D.WISH: Mr.President, Honourable Members, I see that what has been explained to by the Members themselves, or by me altogether, the other side of the House is awaiting some word from the Government side of the House, so I rise to say a few words on the two motions which are before me - the original and the proposed Amendment to the motion.

The whole thing, all of the motions, Mr.President and Members, hinges around this - that the time, as called for in the Law is insufficient for the people to intelligently understand the Plan which has been put on display for the public.

Now, I would like to make it clear here that as the representative of George Town I haven't had one person, not even one person to say to me the time is too short. I have heard it, but no one has really come to me to say that it is insufficient time for us to study the plan. But I am

MR.ALTHEA CRAWFORD: proposed motions I realize, and I am not doubting the words of members who say that they have been requested by the people that it is inopportune time to intelligently study the plan, am I am prepared myself to make a compromise and to support the amendment to the original motion.

Now what is really surprising to me, Mr. President and Honourable Members, is that the very mover of this motion, the original motion, continuously pressed Government to present the plan. Now what I can't understand is if they knew in the Law of 1971 that a plan was to have been presented to the Legislative Assembly at a certain time or at such time as it may be extended, I think it was agreed, why didn't they also take note of the fact of the time limit at which this plan will be put on display to the public - why did they wait until now that the plan has been put on display to take up this particular matter that the time is insufficient - it is not adequate. I can only say that they must have thought that Government was going to present to the Legislature and the public for public viewing a plan which was something so simple that everybody would have understood it in less than no time - so wouldn't needed to have read it at all. I do have they all surprised to know that Government has employed the expertise that they have and has presented such a comprehensive plan for the development of the Cayman Islands. This is all that I can say with regards to not having taken the matter up from what was in the law of insufficient time to not study the plan.

It has been said, Mr.President, and I don't want to ramble too much, but I think I must revert to statements that were made about the plan and when it passed in 1971. The plan did not receive Her Sanction in 1971, it was the regulations of the Law - the plan hadn't come into being as yet - the law was introduced, the regulations were what really induced the objection. We are worrying about what happened in 1971, we are now in 1975. We are about to present the plan.

It was also said that not very much consideration, or some disagreement was shown to members of the Legislature because they were not presented with the plan anyway the public knew about it. I don't think this is correct - as far as I know the Government sent a copy of the plan to the members of this Legislature and the members of Executive Council had no more and was not elected in any different way from all the Members of the Legislature, in that we all had a plan as submitted by the planners. This plan as you know, will be submitted to the Legislature to be debated and Government deliberate to do this and to give assurance that this would be done on the 30th of June this year, 1975. Now where we are - we say 30 days is inadequate time for people,the public to study this, but is it just that it is? I think its more like 90 days because although the public have 30 days after the plan went on display to make their objections to the Council, they have up until 30th the thirtieth day of June to make their objections to their representatives. So I don't see really where you can say that even one month, one should be the law is really insufficient time, because actual by you have three months, but as I said, Mr.President and Members, I am prepared and I will accept the amendment to this original motion that we extend same by thirty days more which gives the plan two months to be displayed to the public and I do hope that during that extension of thirty days, if this amended motion is carried, that every representative here of this Legislature, of the people here in this Assembly, will see to it and impress on the people whom they represent, to study this plan within that time and clearly state their objections as to what they do not want in it. Thank you, Mr.President.

HON. W.W.CROMMEY: Mr.President and Members, I had no intention of speaking but since we have run out of speakers I suppose I will put a little bit of colour into this.

Before us this morning we have a Bill and then we have an Amendment to the motion. Now, speaking briefly on that it is quite obvious that in order to make the motion effective, the Amendment seems to have what it takes and that is a motion for the Suspension of Standing Order to allow the introduction of a Bill to amend the Development and Planning Law. I daresay that this probably was the intention of those who moved it, on the other hand having heard and having learnt from the Lawyers, the inconsistency of what led up to this motion, I daresay that if this Amendment had not been brought I suppose we would have been left in a vacuum.

Now I would speak briefly on the law - we are here this morning and I think the basis of our debate is to have an Amendment to the Law to allow a longer period of viewing by the Public. In the debate there has been some misunderstanding by certain Members, because the Executive Council was not submitted a plan - the Law doesn't say that the Executive Council should submit a plan - what the law says is that the Central Planning Authority should submit a plan - a proposed plan of how they consider development should take place.

As we have heard this morning, sometime during 1971 questions were raised asking why was not this particular section of the Law implemented, because the Law says not later than two years or at such extended time as the Legislature would agree to. In fact the questions there happen to be on the floor of the House, a motion asking for that plan to be submitted over a year ago. There should not be any surprise to anyone if members of the public, and surely, Members of the Legislature here, are aware of what they say or what is expected - one expected that a plan would be coming. In fact it was asked, it was urged that the Central Planning Authority produce a plan.

The Plan has been produced, as I see it there shouldn't be all of this excitement. If I was afraid of something, if I was worried about something, I wouldn't ask for it to come - I would keep it away from me, nevertheless, I think all in being done in the implementation of the Law. But in my point I would like to make here and I want to do it now, that despite of what one says about this or not, this is a very unusual piece of legislation and I say these words, subject to the ruling of the Honourable Second Official Member, this legislation, the Development and Planning Law of 1971 is a very unusual piece which we have before us. It gives a lot of latitude as far as time is concerned, as far as input from the public, and it is a piece of legislation that says - time where that a review is compelled to be made. Most legislation you take the legislation, it goes on the statute books and it is the law of the land until such time as it seems fit to rescind it or repeal it as the case may be. This specific piece of legislation allows a great latitude, as the input from the public, it allows for a review by the Legislature - it's a continual process going on and I would say that the importance of planning laws take these points into consideration. If, and I'm saying if this were not so then the Government would have submitted a plan and we would have an opportunity here of saying whether we like it or we don't like it.

The situation is completely different - it has been submitted to the public for the public to have a say and within thirty days to take written objection to a Tribunal which will do various things, will record their objections, will take evidence from the objectors and submit back to us.

BOB .F.W.SCHULZ (CONTINUED) It is a bit unkind and unfair to say that any form of haste, surely what the members of the Legislature in 197. agreed to the passing of this legislation it was said at that time that a 90day viewing by the public might have been long enough - if we find today that this time is not sufficient, I think it only makes good sense to amend it and I am sure that, even though the members of the Executive Council are considered bad people, I think it can be said of them that they are consistent and I believe that it was the intention of the Members of this Legislature when the law was passed that the public would have an opportunity of reviewing this and making their comments and I think that is still the case even today.

We are not debating the plan, in fact the plan has not even been before the Legislature, as members have rightly said, but surely no member of this Legislature can say that the draft plan was not advertised and no member can say that they didn't have the opportunity of discussing this with the Member responsible for Planning and also the Planning Department. It was not in the Island at the time, but I had notice of when an informal meeting of this House was called and I am sure that most members, all those that were here, attended the meeting and I believe that members were then that they didn't have enough time to discuss it intelligently and I am sure that the Chairman of that Committee extended the time and I happened to be back when the second informal meeting of the Legislature occurred. So to get the records straight, Mr.President and Members, I don't think there has been any, in so stretch of the imagination, any form of trying to deprive the public of having their say on this. One thing we have to be very careful of is this, you know Mr.President, I might sound a little big, but of course some times you happens to do that on the floor of the House - I was a bit alarmed when I heard of petitions of four or five or six hundred, thousand people. These are the things that I am worried about. I get a little alarmed ,because I have had knowledge of petitions in the past myself -I have been in the House, not as long as some members who have just spoken, but - have been here several years myself, and I know a lot of times, on petitions, you find one person actually has three or four people and then four people signing not knowing what they are signing. I feel that an opportunity has been given to the public, in notices - I happened to have attended a sitting where I sat in the audience and listened to an explanation and I think I said it at the end of the meeting, and I would like to record it here that I consider that the Planning Department has done a good job in producing a concept plan for these Islands.

When the plan comes before the Legislature I am sure,Mr.President, you might get, even get a motion for an extension of this House in order to families this plan before the dissolving of the House. It takes a long time to agree on something like a development plan, but they get people in a frenzy. I don't think it is necessary - I think anybody puts to you, possibly just something to the public - we have a right. The public has a right to look at it, study it, ask questions, see how it affects the individual, see how it affects the country, see how it affects those that come behind us, and, as I said at the meeting, I think the Planners have done quite a good job.

One point I would like to make, Mr. President and Members, in fact it was brought out here that there was no local input into this plan - I fail to see how that statement could be made, however as far as I know, the law says that the Central Planning Authority would prepare a plan , and as far as I am aware there are members, local people on that Authority, so I am sure that an opportunity was given to them, who are members of the Authority to have their piece of input if they so desired. I think it would be unfair to say that local people had no opportunity of saying anything on this plan.

HON A.W.CHESWORTH (Cheetsburg) If it was presented by then and they didn't put in their input that was their opportunity of so doing.

Mr.President and Members, I have no strong views on the sixty hundred, two hundred days, I have absolutely no idea. Hearing here this morning, how long it would take every individual in the Cayman Islands of 14,000 to study this plan - If I make a guess I would be wrong. I wouldn't say. I don't know whether sixty days would be enough, but taking into consideration, and trying to follow the consistency that I like to see carried out, this honourable House passed a resolution saying that a plan would be presented here on by the thirtieth of June,1975. If this is to be carried out and if there is going to be a commencement with that resolution that has been passed some time ago, I feel that the amended motion sounds reasonable as I do mean that those people who probably might have an opportunity in 90 days to see the plan or to study the plan, would have a further 30 days of studying it. There is no guarantee that everybody in the Island is going to study it anyway. Secondly, I have to agree and support the amendment because without the Justices resolve, as stated in the resolution, the action today would only be an exercise of passing a resolution and from there - whether so, Mr.President and Members, I stand in support of the amendment and I do hope as the Leader has said, that Members here would take the opportunity of examining, of bringing to the attention of the public this plan and having that section their rights and that is to make their written objections to the Draught, and/or motions their representatives. Thank you, Mr. President.

HON. BENSON O.EBANKS: Mr.President, I certainly want to speak to the motion, but I am wondering whether this is not an opportune time to take the adjournment?

MR. CARY M.ROBERTS: Mr.President, on the issue of this motion, I suggest that we go on Thursday until 2 o'clock and we should be finished by then, Sir.

HON. BENSON O.EBANKS: Mr.President, I frankly thought that we would have been out of here by 10.30 - I did not expect that this meeting would have taken this long. Of course I notice a change in attitude after the amendment to the motion had been presented and I would have liked this amendment to have been looked at if we are going to get involved with it this morning, the last remarks section of the amendment is imperative.

Now, it is unfortunate, Mr.President, that in introducing this motion and by one or two subsequent speakers, some irrelevant and unnecessary remarks were introduced into the debate. As I said, I did not come prepared for any long debate, but realizing harm intended and fruitless, and also the inconsistency sometimes of members of this Assembly, I did take the precaution to bring at least two copies of two Minutes of meetings held in this Legislature during 1973 and 1974.

Before going into these minutes,(which I propose to show why the statements were put into the Press on time, as how, that they did now do). The appropriate piece to start is with the Development and Planning Law of 1971, which my colleague, the First Elected Member from West Bay spoke to them credit for having introduced into this House. Now it is common to me how a bill for which only two support existed, reaches the floor of the House. Mr.President, this bill was introduced in 1973 by the Government of the day, I happened to have been a member of the Executive Council at the time, and the

HON. BENSON O'NEILL (CONTINUED): record of this House will prove that the only occasion on which a Bill came to this House without the support of the elected members of Executive Council was when it was so stated and recorded in the proceedings. So I want to make it quite clear that this Bill came with no support, and I did not know to be coerced to accept it.

But, Mr. Speaker, some members have stated that the month be changed to two, as probably because when the law was drafted members did not envisage the extent of a Development Plan - now, I am not in full agreement with that suggestion, since the thirty-day period does not only apply to the Plan when it is being submitted in its initial or first phase - it applies to any amendments to the Plan or any even plan which the law permits to be made within any given time and, in fact, it is compulsory, that a revision must be done publicly, at least, once in every five years. Now we all accept that planning is a controversial subject and if the future is not to be always in turmoil over a plan or an amendment to a plan, well, then, it would seem to me to be desirable to give a reasonable time but not unreasonable time. And, in the case of a plan being presented for the first time, such as is being done now, it is my submission that notwithstanding the section of the law which requires publication for two successive weeks in a newspaper and the objections to be made within one month of the date of that publication that administratively, the Planning Authority could have circulated the plan, in advance, for information, three months, four months, even months in advance, if this was considered necessary and then the notice as required by the law published and the law complied with and the statutory period run from that date, so that, when the plan was being presented for the first time there would have been ample opportunity for comment and query and objection, but to write thirty days in the law which will apply even to amendments, it is my submission that we would continue to have an unsettled atmosphere in this country from person to person, because no plan is going to be satisfactory to everybody. We all accept that planning is a controversial subject.

Now why did the Planning Authority find itself in the box that it finds itself in? And I want to make one thing very clear, this plan, or the plan that is not in fact being presented by Executive Council - the law requires that the plan be presented by the Authority. At any reference by the opening speaker on the Executive Council being derelict in its duty, is completely unfounded, and I'm no support of the law, but let us see why I said I think this is important, let us see why the Planners found themselves in the box that they are in. The Planning Law of 1971 makes provision that within one year or such extended period as the Assembly may approve, the Authority shall present to the Assembly a plan. It also provides that until such time as a plan is presented there was an Interim Plan which would be used and be issued on the Plan, so that the Authority was working under the auspices of a Plan.

Now, in December, 1973 a motion was brought to this Legislative Assembly by the First Member from Cayman Brac and seconded by the Second Member from Bodden Town, reading -

"Whereas the Central Planning Authority has not submitted for approval of the Legislative Assembly a Development Plan consisting of a Report as to both a Plan indicating the manner in which they proposed that land in the Islands may be used and / whether, by the carrying out thereof of development or redevelopment, the stages by which any such development may be carried out,

Be it resolved that section 6 of the Development and Planning Law, 1971 be complied with and that the Cayman Islands Government take the necessary steps to enforce such compliance".

HON. EDISON O.JENKINS (CONTINUED) Now that is the position, Mr. President, which says that within one year or such extended period as the Assembly may grant this plan must be presented, but I want to make it clear that the tenor of the debate that ensued on that motion, as well as the motion, makes it clear that the motion was not asking that the Government seek compliance for any extended period - the debate will prove very clearly that whatever being sought was the presentation of the Plan. It was Government Members who took the initiative to ask for an extended period, and I will quote from the Minutes of that meeting, the 11th of December, 1973. I think this is relevant, Mr. President, particularly inasmuch as points explored, at least by one speaker, or he made them as representing the people's interest and enlighten them as to what is going on.

The Amendment proposed - (there are many items in this which would prove my point, Mr.President, but I will just pick out one or two) - the First Member speaking said that he had "to go to some length to try to explain the bringing this, but it is of paramount importance that at this time, and as soon as possible, that the Assembly be presented with a Development Plan to comply with this Law or that we scrap this Law".

The Acting Chief Official Member of the Government Bench brought an amendment to the resolution which read -

"WHEREAS the Central Planning Authority has not yet submitted for the approval of the Legislative Assembly a Development Plan in accordance with subsection (1) of section 6 of the Development and Planning Law, 1971.
AND WHEREAS it has proved impossible for the said Authority to submit the said Development Plan within one year after the appointed day
BE IT RESOLVED that the time within which the said Development Plan shall be submitted be hereby extended to the 30th day of June, 1975."

and the Member took pains to point out, that is the Time Obtained Member of the Government Bench that it had taken Bermuda five years to present its plan, that the plan was a very complex or detailed plan and that it would take a lot of time and expertise to produce the plan, but, in spite of that, Mr.President, we have the Second Member for Bodden Town saying that he agreed or generally with the amendment, but "I would like to see the time set at June, 1974 instead of June, 1975". This was December, 1973 and the plan was supposed in June, 1974, six months to prepare the plan, to present it to the public, to have the Tribunal carry out its function and to be presented to the Assembly. And he just hopes that his colleague would "go along with Mr. Amendment of Government but he too was opposed the extension of time and he said also quite that after 1974 he assumed that the plan would survey a purpose because "the centre of George Town will be completely covered, and while it might be of some use to the Eastern Districts and on the Sister Islands, the Development Plan will have lost the reason for which it was put into the Law in the beginning.

Now, Mr.President, the First Member from Bodden Town completes his series, get back to the meeting and he recommended that it be extended to the 31st of December, 1974, (You will find on page 26).

Now I heard another Member say that he had always been opposed to the Plan and I am back but, where that number. While I support this Amendment that the Development Plan shall be submitted on the 30th of June, 1975 I hope, if I live that long that when 1975 comes we shall not have that we have to extend it another year and a half.

MR. [illegible] (CONTINUING): Now that was in 1973 and in October, 1974 we find again the mover of the motion before us, the First Member from [illegible] [illegible] debating a proposed amendment to the Planning Law, Development and Planning Law of 1971 saying "Mr.President, that's a part of this Law, first of all let me [illegible] of one third - it does say it must have the approval of the Legislature' and, this is very important, after reading the section about the provisions made for publication of the notices and objections to the Tribunal and so on, the Member said 'Therefore, this was allowing not only one day, not ten days, but thirty days objections [illegible] to [illegible] be submitted to the Legislative Assembly'. No indication that this period was too short or that there was any willingness on the part of this Legislature to give the Planners any extension beyond 30th of June, 1975.

Again, in that meeting on the 11th of October, '74 we find the First Member from [illegible] Town saying, referring to the meeting of December, 1973, that when that amendment came before the House "My comment at that time, although I agreed to change it, Sir, was 1975 would not be [illegible] because 1975 was too close to 1976, and 1976 was an election year. We may it [illegible]' In other words, he [illegible] [illegible] a challenge to the Planning Authority to deliver the plan by June the thirtieth 1975 - the Planners took up that challenge and they were put into that frame because there is a lot of work to go into a plan and I am quoting these references, Mr.President, to provide that the Department of Government responsible for this Plan had no indication from this Assembly that it would receive any favourable consideration of an application for an extension of time, in fact, everything that can be found in the [illegible] of this House, or that I have been able to find, and that I have [illegible], prove the opposite. So it's not difficult to see why this situation has developed and I don't think it is fair, particularly when the Members bringing this motion, were the people responsible to a great extent for putting the Planners in this box, to insinuate that other Members of the Assembly, particularly the elected Members of the Executive Council do not take or have the interest of the country at heart.

As far as the motion is concerned, Mr. President, the motion as submitted is impotent - it would achieve nothing and if we are going to put words into action the amendment as proposed by the Third Official Member has to be accepted or we are not being consistent with what we are considering on the floor, because merely to approve a motion in this House, particularly as it is so near the dead line for the expiration of the thirty days would have no significance unless a Bill was brought amending the Law. This, the Third Official Member has done, this group of "Know-nothings", as we would be called, are taking the initiative to put some action into what would have otherwise been an impotent exercise.

As I said in the opening, Mr.President, I didn't think that I would have to have spoken at length nor that this meeting would have gone on this long; it seems to me a simple exercise but because of certain statements, I thought it necessary to set the record straight and I support the amendment as moved by the Third Official Member one hundred per cent.

MISS [illegible] [illegible]: Mr.President, if I may be allowed to debate on this counter motion, I shall do so now.

Mr.President, this Private Members' motion which has been brought by the First Elected Member from [illegible] Town, seconded by the Second Member, which reads -

MISS JOCIE A BROOKS (CONTINUED) WHEREAS due to the fact that it is considered that thirty days is too short a time for the public to most equally deal with the Development Plan as outlined in the Town Development Law of 1971

AND WHEREAS be it resolved that this Honourable House approve a motion increasing the time as called for in section 8 (1) (c) Law 28 of 1971 to an additional sixty days for a total of ninety days .

Mr. President, I agree that it could not serve much purpose without the law being amended to take care of the situation, but surely the powers that be must know that laws are in a position, if they wished to correct this, that they could have drafted the law. We are not supposed to be the lawmakers, we are the law-passers in this Assembly, and I feel confident that had this amendment in the first instance been presented, that such steps would have been taken.

I have said, as quoted that I hope we would not have to wait longer than 1975, but I must say that I am amazed at the execution of this report and the Development Plan. I never, in my wildest dreams ever thought that we would have such a sophisticated proposal - I think that would be more suitable for a City of New York , or London than this little namely, Sea by here Island. We have been here, as history records from 1494 discovered Saturn by Christopher Columbus and up to now we have achieved only the Caicos- sixteen thousand people. Could someone so far as people living on it is concerned and I feel that we can never even aim to (1990 ever hope to get this twenty or twenty-five thousand people - whatever it may be.

I feel, Sir, that we have gone too far - we have taken land that belongs here people. I may not be able to deal with the Plan, but we have taken land, if we are to follow all that is in this proposal, the written law, to destroy our economy.

Now let us bear in mind that if this was a Bermuda Island and Government owned the land, I would see this Plan being carried out very effectively, but I cannot in my wildest dreams see where we can accomplish all of this. I feel we should go slowly about it and what is contained in that proposal now, well I know it would never be implemented in my life-time, unless I live another 67 years, and I don't hope to do that.

I feel, Mr.President, that the time limit of a total of ninety days is not unreasonable, and I do feel, Sir, that the Legal Department, or whoever is responsible for drawing the Law, if they were working in harmony with us, when I say us, I mean the people who are fighting the cause of the people, that they could easily process an amendment which would take care of our inadequate, I should call it, assumption.

Now, Mr.President, I intend to stand by my guns, I intended to adjourn for the ninety days and I do not think that is unreasonable. , When we agreed for this one month, I don't know who was the Law that this Plan would be so far reaching (and I can assure you I did not), and I feel,Sir, that we should work together in harmony in this House. We are sure to have Hamlet sudden criticisms or this one exhibitionyed - we are all human beings and we are not here to pretend we correct - sometimes I consider the prayer that is offered here must be an insult to God because honestly as we get here we start to row, and, as far as I know, peace and good will should prevail here.

We are only human beings, we are not, any of us, Moses the Lawgiver, or Elijah who could command fire to come down from heaven, we are only ordinary people and I feel

HON. ANDY J. FOSTER (CONTINUED): ...that we should work together in harmony - that is what I have against this House. The way they get up and blow their trumpet - I have been thirteen or fourteen years, the only thing I've got to worry here is write these law books, but I've got a lot of pleasure and as long as I am able to stand up I intend to be in this assembly, God willing.

I feel, Sir, that when we make a request it should be considered. I don't like this sniff at "you on the other side" - who put them on the other side on that other side if it were not us? And we like it to all come fair - I'm not sure they'll go back there. But I am very sure that we have done a good job in trying to fight for the people.

Now I am not supporting the sixty days. I feel that we should include in our ninety days resolution this thing about the Commissioners Act etc. Any of us who are here are sensible enough to know that the only solution is to go around the line and I feel that that should be done. Added to this resolution and ninety days still stand. I shall support ninety days, not sixty. Thank you.

MR. SPEAKER (HON'BLE): Mr. Speaker and Honourable Members, I would like to say, Sir, that you have proved to us this morning that you are prepared to hear the grievances of the people and to work with democratic persons, and I see - Sir, that we have made to be seized of this morning, or today after requesting a special meeting through you, as Governor of this colony and President of the Assembly and you have given it consideration that we should be here to hear our views on this matter. This is done few times in previous occasion. It has been brushed aside and was scoffed at. I am proud, Sir, that you look on us as human beings as well as corrupt.

Mr. President, we have before us a short resolution dealing with time and I don't intend, and I didn't come in your Sir, to wander around the world to debate on anything else except this. When I come to debating the Plan I will be standing here for a long time.

This is simple. It is as right-forward, it is just asking for a little amendment in the bill. It has been said if we had six months we wouldn't read it through probably - may be so but I have found in reading, particularly when you are interested in reading something when you read it the first time you find yourself as plain and sort of wandering. When you read it the second time then you begin to see things - to understand something. You read it the third time, you read it the fourth time then you are reading further and further all the time.

I know I am not a graduate, college student and all the rest of it -. A little humorous article in the paper I read something about when a Biggie met a friend of his he said "Oh - you're looking young now!" - "No, I am moving". I ask to myself what is in here? I read it the second time, I still didn't see anything in it. I read it the third time then I saw what was in it - his buddy had a cigar box under his arm and he said "I am moving" - in other words he had his looking-glass into the cigar box. So for me to get that I had to read it the third time. Now something that is one hundred and ninety pages, it does need reading the third time.

I have three members, including myself, primarily in Constituencies, we got a bit late "I am sorry, Mr. Chairman, I had something to do this morning, I didn't have time..." That's exactly what's happening here - we just ask for a bit of time to further do things that we would like to do pertaining to a Development Plan.

Mr. President, I give this notion, so is, the original my full amount of six more sixty days that would make a total of ninety days, and in the light of that I don't have any more reason to go into, merely I come back with my mind not to debate the Plan at all, because that is not, what we have before us,

MR MINISTRY MEMBER (CONTINUED) So I am only debating this and I am prepared to support this as is. Thank you, Mr.President.

MR.PRESIDENT: I think I will suspend the proceedings now until 2.30.

AT 1 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 PM THE HOUSE RESUMED

MR.PRESIDENT: Proceedings are resumed.

MR. G. MAW SMITH: Mr.President, Honourable Members, this could well be my longest speech but it will not be because the matter which we are dealing with has to be finished today. In a few hours more the people of these Islands would have lost their right to make objections to the Special Tribunal, unless we give them a few more days of grace. But I do believe, Sir, that you will bear with us today so that we may put this matter finally, even if it means we have to sit past 11.30 tonight. I hope that in the interest of justice and in the light of what is right for the people of these Islands, that this matter can be settled before it fells away by the statute of limitation that has been set upon it.

Every member, but one, who spoke, agreed with the motive in principle or agreed with the amended motion, which has been proposed by the Chief Member for Government. It is my feeling if the motion before the House had not its origin in the dark recesses or in the grey passages of other Arenas, this session would have been over in fifteen minutes.

This is the first Emergency session of the Assembly to be called since the installation of our new Constitution - it is also the first emergency session to be called during my term in the Assembly and the fact that emergency sessions seem to be so overwhelmingly suggestive of gravity, gives an aspect of solemnity that is associated with today's sitting.

I would say with the Agent - "There is two day the Lord hath made" but I would go on to add "perhaps one that the devil has taken possession of".

The motion seeks the House is seeking to lengthen the time in which the public may study the Development Plan and make objections to the Tribunal. This is a reasonable request and one which, undoubtedly, will be granted unanimously.

In 1972 when the Legislature passed the Development and Planning Law they foresaw the need for the careful study of such a plan - they set a time-limit of one month and I believe that those members did what seemed right to them at that time. But what those members could not have foreseen was that what looks like an innocent Development Plan would have come forward in the form of the plan that is before the public now. The Legislature in 1972 could not have foreseen the complexities of the Plan that is put before us. The Legislature in 1972 also assumed that a Development Plan would have been put forward within one year of the passing of the Law - they could not have foreseen that it would have taken not one year, but four years for the presentation of such a Plan, and so if it took four years to present the Development Plan is it not right that this study of the Plan should take a longer time than has been set in the original law?

It is my opinion that the Planner seemed to have had far greater things in mind that the Legislature had and perhaps that is why we have now a Plan, which should have come before us in 1972, is just coming now, and I must say that this Plan is only be shortly coming four years afterwards, because

Mr. Hall Wilson (continued) certain pressures have been put upon the Planners or upon Government to produce the plan.

What I am going to say is that if the Plan comes here only after four years and then only with pressure it is only axiomatic that the study of the plan should take a longer time than the one month set originally. It must or necessarily take longer than one month to study a plan of such magnitude - one month is far too short.

Today the seeds of time are about to run out for the handing in of this Plan and I daresay that there are many people in this Island who are only today hearing about this Plan - there are others who are just beginning to question and to study it.

We have many Caymanians abroad who are still in the dark concerning this plan. Many people are still interested in their home-land - they are still interested in the land of their birth and it would be wrong for us, the legislators, to deprive of the time to study this plan. There are many foreign people who have interest in these Islands - there are many foreign people who have bought lands, who have property here and should not the interest of these people in so far as prosperity should they not have sufficient time to study this plan and to object, if it seems to infringe on their rights?

This motion is seeking to give these people sufficient time to study and make objection, but for the people who are here in these Islands it is still a physical impossibility for them to study this plan in so many a time. Let us look at it - this Plan has been placed in certain Government offices throughout the Islands. These offices are opened for only a few hours per day, particularly so in the sub-post offices. They are opened at a time when it is not convenient for the local people to go in and study this plan. To say what I would like to call an average reader and it took me exactly two minutes to read one page of that complicated document. With nearly 300 pages it would mean that an average reader would take more than six hours to read the report for just a single time, so even if people stand in line to read the report which is available it would be a physical impossibility for those who want to read it, to read it in the time allotted.

It is true that the Plan is made available on the subscription price of $10 plus $4 for the map - there are not many people in this Island that can take out twenty-five dollars and spare it to read a report. The price prohibits the study of the plan. It follows that most these people, who because of their circumstances are unable to purchase copies must of necessity go to the Government offices and there take a study. One can easily see that one month is far too short a time. The slogan of the Plan is "Better slowly" - it should be "not swiftly" because the whole thing is surrounded by such.

But all this aside, there is a far greater reason for having sufficient time to study this plan. This plan is not only simple control of the use of land, it is nothing but to control every phase of life on these Islands, and because this Plan will touch upon every phase of life for generations yet unborn, sufficient time must be given so that the public may study this plan in detail. Although I will not debate the Plan itself, that will be a matter for many days, but to show you that the plan touches everything one only has to look at the law which authorizes the production of this Plan and you will see that we need to study it and we need time to study it because the plan includes matters relating to Roads, Clearing of Land, Construction of New Roads, to Community Planning, Siting of Shops, Schools, Industries, not only architectural but historical and archaeological questions, matters that deal with Public Services, Water Supply, Sewage, Power, Lighting and we need time to study this. The Plan deals also, Transportation, Communications, and

MR. C. ERIC BOWEN (Fortitude): only mud and water but in the air and it's a wonder it didn't get into the engines between the other and a number of the other things are numerous to mention. This Plan will determine how we live, how we breathe and how we move our body and the water. For example, what concern is to ask for a reasonable extension of time in which we can study this plan.

I tried to study this Plan because the world is in recession and the main topic of the plan is for constructive growth - the whole purpose of the plan is to put a break on development and we need time to study it, because if we carry out restrictive policies at a time when the country is in recession we will only escalate that decline, so this is something to be entered upon lightly, or in-advisedly, it is something that needs long and careful study.

I have been searching my mind and I can't find a single reason why we should rush the study of this Plan. It has taken four full years for the formulation of this Plan - this is certainly a long time, why the urgency now to get through with it leaving the public out of it, members themselves also need time to study this plan. For the last two weeks the Members of this Assembly have been sitting every day in Committee meetings dealing with other very important laws, members have other obligations to meet and it is not possible for the members over the last four weeks to give proper study to this plan. So it is convenient on my purpose to seek an extension of the time limit for the study. If we are going to do the job which we have been put here to do, if we are going to do the job which we have taken the oath to do, we must study this plan, we must have our constituents to study this plan - we must have all the people to whom I and all the people in the Assembly that are interested in have Islands to study this Plan, and in order to do that we must give them the time.

The Planners themselves need more time to study this plan. They will need time to evaluate the objections and I understand that many valid objections have already been filed against the Plan.

I was present at a meeting in Bodden Town sometime ago when the Planners were visible themselves to answer questions that were put to them, which shows the need for more study.

So much for the need for studying this plan.

I have three more items to the motion I put down, one is to be sure up a member in Cayman Brac like the motion, the other is to deal with a few objections that were put forward and the third one is to deal with the amended proposal to our motion.

I like to think of the words of Rudyard Kipling when he said "If" so can hear the words you have spoken used by known to make a song you little "if you can keep your wits you will be a man", and I think we have been into our manhood every because we have certainly heard the words we said in December, 1971 when we made a case for Parity. The Planners were not put in a dilemma to present this plan by a motion introduced in this House in 1970 by the Bodden Town members. The issues had been in the Islands since 1972 before I became a member of this House. What the motion did, or what it sought to do was to extricate the planners from the situation in which they had fallen by the two which came into force in 1971, some three years before the Bodden Town members first entered the Chamber.

A motion was passed by this House in 1971 but it was not the motion that had been brought forward by the Bodden Town Members, that motion was voted down, it could never have passed in its original form no more than the motion today would pass in its original form. Everybody knows that it does have to have major amendments, but the result of that meeting in December, 1972 was that an amended motion was passed, an amended motion which had been put forward by the men who took that action for the first Member from Government, and so what really put the pressure was not the original motion which we brought, but the amended motion which Government then put forward.

MR. G. PETO BODDEN (CONTINUING): Some members seem to have enjoyed reading the minutes of that Historic Meeting - perhaps one member enjoyed it because he did not contribute anything towards the debate, although he was present on that day, but I don't want to embarrass him by saying which member it was, but for those who will search the minutes you will see that a member was had so much to say about that meeting did not contribute anything to the debate.

If one looks on page 22 of that portion of the minutes of that meeting you will find that I said "it would be better if we accepted defeat and scrap the idea of the plan altogether". It is good to read a page but to really understand what is on that page you must read the page in the entirety.

Also on page 23 I made the contribution - speaking about Mr. Jim - "it might be of some use to the Eastern Districts and to the Lesser Islands but as far as George Town is concerned, the Development Plan will have lost the effect for which it was put into the law in the long run". Our contention then as the contention is now, that as soon as we had seen with the expediency that it should have come in 1971 it would have done very good for George Town, but how can you plan for the use of land which is already in use?

Not to show you that one member who spoke about the Plan disapproved Government's motion, on page 39 of those minutes one member said "I rise in support of the amendment to the original motion" and he repeats the statement at the close of his address, so why open here today and try to put the blame upon the Bodden Town Members when the Western Front is guilty of proposing that motion, that motion which was put forward by a Government Member asking that this plan be proposed in accordance with the law.

Now the reason why we brought that motion in 1973 is to come up more of the shortcomings that Government had let itself into. The Development and Planning Law cannot work without the Development Plan - the Development Plan is mentioned forty two (42) times in this law that was passed in 1971 and anything done under this Law would be invalid without the Plan and it was in an effort to pull Government out of the dilemma in which we have fallen that we aimed to get some progress for the preparation of this Plan. The one year limit had been ignored completely by Government and it was in an effort to make them toe the line that that motion was brought.

So Members will clearly see that the Bodden Town members were not responsible for putting the planners in the imaginary zone which they found themselves in - we were not responsible for that - we found them in this dilemma and we tried to pull them out of it.

You know you how far Government had been embarrassed I will ask you to remember that several cases had come before the Grand Court and the Judge found it difficult to deal with those cases because of the lack of the Development Plan and the Government should be grateful that we brought this case weight to their attention. They were in a situation where they should have repealed the law if they could not comply with it - a situation of frustration and in it they should have amended the law, or perhaps scrap it altogether, but they wanted to keep the law on the book saying that this two must have a plan within one year and ten years go by as two years go by and no plan - we can't have a situation like that, we would be the laughing stock of the world, so Government did not accept by the law that was passed in 1971. Why that is there the urgency to comply with the Resolution passed in 1973?

It has been pointed out by a certain member that this plan is altogether different from most of the legislation that comes before us. The acceptance of this plan is not the sole prerogative of the Members of this House. Normally when a Bill is put before this House the members vote then to deal with it, debate it and the say eyes that we must take this to the public, but this Development Plan is altogether different, in that the law states clearly that this plan must go to the

MR. SPEAKER RESUMES (CONTINUED) public, many must have the time to make their objections. The plan is open to public scrutiny and what we must ensure is to ensure that that right is not taken from the people and that they have sufficient time to study this plan.

We were told by the Minister of Government this morning that in the plan there is no intention of taking away land from the people - I hope the Member is right but section "G. PART" is at this time makes any such provisions for the acquisition of and under this plan. Let me read section G -

> "Where any land is designated in a development plan made under PART II as subject to acquisition by the Authority or may otherwise be acquired by the Authority under the provisions of this Law that the Authority may notify the Governor of its intention or to acquire such land and thereupon the Governor shall proceed to acquire such land pursuant to the provisions of the Land Acquisition Law as land needed for a public purpose."

So the public needs time to study this plan because under the Development Plan and under this Development Law land can be acquired.

One member mentioned the importance of our motion and I can only answer that in a broader manner - the Bahamas have been known for their virility and not for their impotence in these Islands.

We have not changed our minds about the resolution brought in 1973 - our convictions still hold test on that - we believe that what we did then was right - all we did in 1973 was to say to Government this law which you have on your statute books says that you must have a development plan presented to the people within one year or within such other time as the Governor may allow - or maybe to that effect. What we were saying you must produce the plan or you must amend your law - you must bring it within the one year or you must give another extension - that was all we did in 1973 and I think we were right. We were absolutely right because certain cases, as I mentioned earlier in the review that pursued now need for this Development Plan.

It is not true, as some speaker would like you believe this morning that we contemptuously provoked Government - we did no such thing - we brought our motion and our motion only asking that Government comply with the law. The idea of a Plan was not our own idea - we found upon the scene in 1972 and it had already been established by law that a plan would be made available within one year of the coming into force of that 1971 Law, but I think it is quite correct in saying that our Hon. Members were a party to that law in 1971.

The Hon. Official Member has put forward an amendment to our motion - when I came in the Chamber this morning I said to my colleagues this motion will be passed today but I can't think what the version of it will be. I know it can't go through as it is and I feel that certain variations will be entered', it was speaking from past experience.

The Hon. Official Member for Government, in his amendment, is asking that the reference be now made instead of the two months that we are seeking, I can't agree with him. If this exercise is worth giving at all it must be worth two months and why should we agree to our own two motions by a whole fifty per cent? If he had even said that he would cut off one week, but to cut the time in two - it is preposterous to think that an amendment seeking to cut the motion in two would be put forward in this sitting. I am of the opinion that had we asked for only one month's extension, Government would have come back and said you only need three weeks - there would have to be a differential

MR. O. (Hon. Minister JOURNALISM) I'm that amendment was being put to this motion. I thought it would have been put as the Lady Member from Kwinana suggested we amend the time to six months not to cut it down from two months.

If we look at this plan we will see as I pointed out in the beginning that the plan itself took four years to be prepared and was only ready because certain processes had been put, why is it that the study period cannot be extended by three times the original estimate, if the plan itself took four years to come - why can't the study period be extended to three months?

As to the second part of the proposed amendment I cannot go along with that either. I know it is necessary, but it is not urgent. The resolution passed in 1973 gives Government until the 30th of June, 1975 to put this plan before the Assembly. That means we have eight weeks more to deal with that side of it so if Government wants to introduce a Bill to deal with the extension of that time they have eight weeks in which to do it. It is not necessary to suspend Standing Order No.21 to deal with that today.

If Government is seeking to suspend Standing Order 21 to deal with the thirty day study period I could understand that, but if they are seeking the suspension of Standing Order 21 to deal with the time when the plan must come before the Assembly, I say they are totally out of order. Standing Order No.21 is one of the most important regulations governing the operation of our Parliamentary House. Standing Order 21 says that a printed copy of every Bill shall be sent to each member seven days at least before it is proposed to be read a first time. That Standing Order gives the members the right to have sufficient time to study what they are dealing with and we should not have to suspend that Standing Order on the whims and fancies of any one member body. That Standing Order should only be suspended when it is absolutely necessary, because the action passed in this House until the 30th of June, 1975 for the presentation of the plan to the Assembly - I say there is sufficient time in the eight weeks that are given to deal with that without having a suspension of the Standing Order to deal with it today. So I am afraid I can't go along with the proposed amendment. The proposed amendment is seeking to cut down the study period by one half. It has also added a new dimension to our motion. It reads -

> "And be it further resolved that Standing Order 21 be suspended in order to enable the introduction at this sitting of the Legislative Assembly of a Bill to amend the Development and Plan, 1972" -

Now I can agree with the suspension of the Standing Order to amend the study period, the time limit for the study period which would expire sometime in the early part of May, in a few weeks time now, but I can't allow the Standing Orders to be suspended to deal with the presentation of the Plan to the Legislature because we have a further eight weeks to deal with that. We know that if the study period is extended for another two months, it will then be necessary to amend it now so that the presentation can be made after the 30th of June, and for us to study a Bill of that sort a Bill formally put before us, it would be going against the principles of parliamentary procedure. Standing Order 21 has been put in here to guarantee that Members will always have sufficient time to deal intelligently with Bills and we can't allow this Standing Order to be used to deal with a Bill although it is important, but not urgent. The proper procedure would be to withdraw the proposed amendment, to have the original motion, giving the people two months extension more, if necessary suspend the Standing Order to make it into law, to introduce the

HON. G. ITO BOOTH (CONSTITUENCY): bill for that and to come back hear after due notice has been given, after the full seven days' notice has been given and fix a time for the presentation to the Legislative Assembly.

The end of June, 1975 is not far away - on the other hand it is not upon us yet - there are still eight weeks inbetween and we can deal with this second amendment which Government wants to work to that time.

Mr.President, in closing I would like to say that our actions in bringing this motion today are very innocent - we are of that the one month given to us under the Law, given to the public under law to study this complicated document is important. We, by the motion which we brought, have asked that that month be extended to 60 days. I personally will not tolerate any amendment to this motion which seeks to cut down the time- only because the 30 days itself seems like too short a time.

HON. TREVOR FRASER: Mr.President, Honourable Members, I'm hoped that this Honourable Senate would have been one that would have been very expert and it did not get that way and therefore after everything has been said, and all the contributions added to this debate, it leaves a great number of Executive Council thinking as it he is a criminal and as was said, not the rightful representatives of the people. However, be that as it may, this afternoon we have before us private members' motion seeking for an extension of the study period for the Development Plan. We also have an amendment which was proposed by the Third Minister. Member.

I stand in support of the amendment inasmuch as it has been stated before the private members' motion would have been useless without amending the Law to extend this period, because the Law now states that it will be one month, even if the private members' motion was carried, it was a hope on earthly effect inasmuch as the law states the study period would be thirty days. So the main reason why this amendment has been proposed is to make their motion come into effect.

As the learned Minister rightly said these motions have been twisted by knaves to get votes for fools - I quite agree - also listened to it all morning and every representative that possibly could be present, was here present, but the thirty members fail to take cognizance of it so that in the knaves' existing and running it to suit themselves, to get votes for fools, that they were not dealing with facts. Sometimes this trap takes the reverse position.

Mr.President, the law clearly states the procedure of presentation to the people - it sets out the channel through which objections can be made and in the course of what has been prescribed as the amendment of sixty days. Certainly objections by the individuals to the Tribunal can be made - our Islands are not that big that one can't, from looking at the map, see how it highly affects environment and consequently his objection to the Board; furthermore, each constituency has a representative, some have two and some have three (although I have to say that the four members in Executive Council - we have been termed that we are not dedicated representatives), but I think our shoulders are broad enough to take this bombshell, when it got it, and I think our people are aware of the fact that we can solidly represent them; our term the people of our constituency have ample time to make separate submissions to their members and when the Plan is presented to the House, we have time enough to debate and put forward our points of objection here.

HON. TRUMAN BODDEN (CONTINUED): Mr.President, the Member stated that the original notion as brought forth in 1977 was done for a part of sympathy, so to speak, to help cover up embarrassment for certain Members, I am very concerned that they would have that thought for this particular Government - I can only say that I take this with a bit of salt, but I would also remind them that if they had taken time to read the 1st, section 7, sub-paragraph (a) states that - during this period that the Draft Development Plan was the plan and that is what the planners deliberate with under, so I fail to see how our Government was in an embarrassing position when it was going by a plan - it wasn't the plan. But it was known as the Interim Development Plan.

Mr.Speaker, the Member mentioned of the Tortola leading cases of wages and that you cannot fully understand law when always without consultation, this is correct but I would advise that the same could be done on his part, when the Member has stated that the acquisition of land is in the law, this is quite true. It states the section of the Land Law is needed by Government for public purposes, bearing in mind that public purposes is for the people of the Cayman Islands, not individuals, which we represent, but he should also have stated that ..... Governor of his intention as to acquire such land and thereupon the Governor shall proceed to acquire such land pursuant to the provisions of the said Acquisition Law as land needed for public purposes". Mr.Speaker, I think everyone knows that the Land Acquisition Law gives the Authority to have your land appraised at the going value and the Government will have to pay that for it - it is not a matter of acquiring land without paying the going price. (MR. D. V. PUREFOY: Hear! Hear!)

Mr.President, as I've said before, this debate has been dragged. I couldn't help but take exception to the fact whether it is good or not criticism is based on the elected Members of the Government Bench. Simply no, we are here to represent the Members and the people of the Cayman Islands, this is what we do. Mr.President, there are no two minds alike - it is evident that we are following the same highway to get to the same goal, but how is we are driving in different automobiles, but it doesn't say that we won't get there. However, I would like to say that we are only looking at the Executive Council and the same way that we are criticised we will have no other alternative but to splash mud back.

Mr.Speaker, I feel that with the consultant has another six months to study this document and the map. I have reminded in saying that the map whereas there is showing most of the Islands - in one book go to Cayman Brac and to Little Cayman - it is not correct by the document - I think that this Government people. There are some guide lines and map by which if we are to lead and guide this country into suitable development are needed. If we are to develop any professional development, these plans are needed in any case. Anyone that has the interest of these Islands at heart realizes that we have at all times to control development. It is not to stagnate development, but to control it so that we may be in a position to know where the country is going. It answers some of the problems that have always persisted to members on the Sister Isles and in this House, about expatriates and Caymanian citizens.....(MR. TOM S. BODDEN: On a point of order ....) a matter of fact.

MR. JAMES M.BODDEN: The gentleman is not at order, Sir, he is dealing with the development plan, a document on it which should not be done.

HON.CYRIL KING (CENTRAL): Mr.President, I think what I was saying was a bit relevant to the amendment, Sir, nevertheless the amendment I feel is ample time for the people of these Islands to make objections and they have their representatives. I support the amendment and hope it succeeds including, I would like to add that no doubt the private medical section and the amendment to that section have been brought about through the publication of the Development Plan, but I don't think our present term though. Like I think there are two sides to the arguments of this matter and I think from here it will continue not only for the extension of the forty period, but may be an extension of the whole plan. I think also, Mr.President, with the Development Plan which has just recently to proclamation this motion, when the political plan 1976 has been a great deal into this whole operation and I think, Sir, once the people of these Islands have been presented with the plan by those that know and that is explained I think that it will be quite agreeable to the people, however, we have been left where it has been for planned from a politically biased mind. Mr.President, I thank you.

HON.L.J.WATTINGTON: Mr President and Honourable Members, I did not intend to speak on this debate because I consider that can much better be dealt by the elected members of this House. However, I find it my duty to correct two misrepresentations which were made by the Second Member for Hamden Down, which I am quite sure the Member did not intend to make deliberately, but no doubt was due to a misunderstanding of the points which he raised.

The first point was that it was very important to study the plan in detail very carefully because section 30 of the Development and Planning Ordinance contains provisions for the acquisition of land by the Authority. That's quite true - section 30 does make provision for the acquisition of land, but only in two cases and those are clearly where any land is designated in a development plan as subject to acquisition by the Authority. Now I am not permitted to debate the Development Plan, Mr.President, but in the Development Plan areas designated land for acquisition does not, the Member is right, but if it does not, then no land may be acquired thereunder. The other circumstance in which land may otherwise be acquired by the Authority is where an application has been made for planning permission and that application has been refused, and in those circumstances, it is so. Once the Authority acquires the land then the option is then given to the owner of the land to call upon the Authority to acquire it, so I should just like to make those points clear.

Now the other point that was raised by the Member was that there is no need for the Suspension of Standing Order 21 in order to introduce a Bill for amendment of sub-section (2)(b) of section 8 of the law and the Member went on to say that he would agree with the suspension of Standing Order 21 if it had to do with the extension of the thirty days, in which the Public has to make objections, but that he could not go along with it if it was for the purpose of extending the date on which the plan should be submitted to this House, namely, 30th of June, 1979. Now, once again, Mr.President and Members, the date of the 30th of June, 1979 is not that important, that date was fixed by a resolution of this House in 1973, I think, October, and that is an administrative matter. It is my choice, the plan won't be by the 30th of June, 1979 that is not a very serious matter, it can come to us subsequently, without there being any invalidity to the plan, but what is important is that if we do not amend the law now to extend the period of thirty days, which I mention sometimes never ever, then after the expiration of these thirty days, no legal or valid objections may be

HON. S. W.KRONTHOMMI (MINISTER): ...made to the Plan, so when the Minister will look to agree, he will be along with the Suspension of Standing Order. In it is to award the 30 days that is exactly that which the suspension of Standing Order 9, is intended to do, and so, I would just like to point out, Mr.President and Members that unless Standing Order 9 is suspended to allow the introduction of a Bill to extend that 30 days, before the thirty days expires, then the whole exercise today will, have been in vain.

MR. JAMES M.BROOKS: Mr President, fellow Members, in every country in the world today there is an urgent need to associate Government with the people but what this need is not satisfied by what we call democracy then democracy is in danger. And this is the trouble with this House - as Leader and we go along, we change things and we do things without due regard to the people that it affects.

Mention was made about the informal meeting that we had - if I remember correctly, Mr.President, I think I was the Member who first suggested that we should have another meeting of the Legislative Assembly in the Committee room before we went out to the public with this. We had such a meeting and it was a kindergarden stance. I did get one point out and that was when I asked what would we do to the people so for the people, mothers who would have and rather much have for unmarried mothers and so forth and so on. I was given an answer, Mr.President, "we'll put them on Social Security". Now where is the social security for these people? That is the regard that they had for us as Members of the Legislative Assembly when we raised the question in the Committee Room - that's where we got with it, sir.

This motion, we have been brought here by my colleague and myself on the understanding or prodding of the Honourable Second Official Member. We do not need that, Mr. President, we have brought the Bill here before and we are not aware that any party, Ian think so. If other people are willing to do that, fine.

It is a good thing that we have brought a previous motion to this House dealing with the Planning Law, or Ordinance the Members on that side would not have been able to open their mouths today because they would have had nothing to say. Because the entire debate that took place in this House is not on the relevancy of the law as we are dealing with but on the motion that my colleague and myself presented on this issue in 1971. That motion, Mr.President,was put before this House because it was felt that it was put, our country was operating under this law and this law in section 5, subsection (1) says -

> "not later than two years after the appointed day or within such extended period as the Legislative Assembly may allow the Authority shall submit for the approval of the Assembly a Development Plan comprising or a report together with a plan incorporating the manner in which they propose that land in the Islands may be used".

This is the law , Mr President, and my colleague and myself were not in the House when it was passed. That law was passed in 1971 - I don't have the date of it, the exact date, I think it was probably about May of 1971. It should have come into effect, according to law, one year later or was the Legislative Assembly had given its permission to extend that period further. That period was never extended by the Legislative Assembly because it was never asked for. The Plan was never presented - we were operating under a Development Plan which the people of this Island had objected to in 1971 and which was thrown out and not accepted

Mr. James Hickman (Blackpool) et al. We were told, the Liverpool Dock boys will back it up, that Development Plan that was put forward in 1971 was not supposed to be used, yet the Planning Board authority continued to use that plan as if it had been in effect which was contrary to law and I warned them and I submit to it now that everything that was done under the Planning Law from 1971 until last year in Liverpool was illegal, because there was no Development Plan as outlined in the Law. That was the reason we undertook it at the Dome, because it was time for it to come forward, besides that this Government had lost several appeals in court on decisions that were made with the Liverpool Law and when it got there the Judge more or less had to throw them out because there was no Development Plan.

Now, Mr.President, that can be borne up what these people are talking over there in Liverpool. I've a good mind that petition was put before the House.

Mr.Speaker, Mr.President, that we pushed for a free-libris on it was because we've only occupied those expensive seats for a short time be. In that time we have seen on dozens of occasions it is coming in the house. Mr. President, we are sick and tired of hearing "in the months" - we want something now.

We were further told about the acceptance or rejection by this House. Mr.President, this Bill here, the Chinese couldn't have done a better job in brainwashing - that's what it is and if it comes before this House in the form it is now, Mr.President, it'll be just like the motions that have come before this House - it will give us the people on the street the opportunity to exercise. Well, 197' was my interest in politics, Mr. President and 1979 may be my demise, but as long as I occupy a seat in this House this kind of thing will not happen in our country.

We've heard about the threat of taxation - you're going to need more than patronage in this country if you people don't wake up, because every one is not going to continue to be lambs.

You know there is no use if you proclaim an optimist to a sinner when his belly is empty - that salesman doesn't want you buying on his door. We've heard it said that it is not the intention to take loans - I suggest it would be better if you made it business when you put the associations on it that we are talking about it at the same time and that you can use the money to control it and we're the one that have just given him the vote which is the supreme. You must tell him you must finance the way he is going to finance it, who is he going to close it - just to make it a political or something else? People are not that philanthrophical-minded - that cannot continue.

You know, Mr.President, fellow Members, we have a great continent in this world since years ago, we still enjoy it. I'm enjoying it right now - electricity was invented by Thomas Edison and down through the years, Mr.President, we've had many wonderful inventions that have come and made great things that we have been able to enjoy through electricity. We have the great electrical invention, but Mr.President in some cases it is necessary to use an extension cord, even to get to that supply of electricity.

It is too bad, Mr.President, that these extension cords should become frayed.

One Member spoke about responsible leadership. I would like to say to that member that in my humble opinion responsible leadership comes from standing on your beliefs and convictions and not try to continually play the Edgar Bergen/Charlie McCarthy act - that does not, in my opinion, take any. I'm a leader.

MR. JAMES H.BODDEN (CONTINUING) Some member spoke about irresponsible attitude of leaders. Well, Mr.President, if I can be considered irresponsible for my actions in 1971 I am pleased then to be considered that way, because if we had not had proud in 1971 there was irresponsible then we would not have the privilege of being in here today and debating this thing to try to keep this sword of Damocles from hanging over our people.

Mr.President, being the leader is more than wearing "jeans" and carrying a Bible under your arm plus - it takes more than that to make any of us a leader, and the good Lord even while "that not every one that says 'Lord, Lord,' shall enter into the Kingdom of Heaven". So it seems if the remarks haven't woken up before I hope they now wake now.

I do believe that one minded member of this House has the belief that there was only one constituency in his constituency and that is the politicians in the House and myself.

Years ago, Mr.President in this little island, I can remember it, I am not all that old and not that young either, but we had horse-drawn carts that you would see going down the road and on that horse you'd see stripes. I believe that some of our people are just like those horses, the blind on the side of them, they can see nothing else.

We've heard someone speak about people signing petitions and not knowing what they are signing. Mr.President, the petitions I send in to the Planning Board, any petition I bring in this House I consider as a mockery from my people and I can tell you they know, because we make it our business to keep our people enquainted with what's going on in this Island. If I were any a) myself, it is the only district in this Island that is getting it. [MR.JOHN B. CUMMINGS: Sit here only .... Yes, you'd better not pray to Christ for more than God, because the Lord can't help you! [NEWMAN - inaudible]

I would like to reply concerning the Assistant Minister - I do have an opinion of him but off the record because they might have been a little more virile than the Saddams, but the public voice can still tell the Saddams' story.

I want to comment on the amendment - I see no difference in this amendment and the motion in one sense, because that is why we, as legislators, are here; at this session we are to pass taking two sixty days, but specifically points out that portion of the law we are dealing with. In my humble, feeble mind, it must then become law, because that's how we vote on things, that's how we pass things. I put as much papers here I am getting out of context on it. [NEWMAN: inaudible.... But, we heard the Honourable Minister over there from the Republic of Cayman Brac [unclear - inaudible]... say a few minutes ago that it was not necessary for us to make any amendment to the law except the Development Plan because they always had one, because it was illegal. You know what we legislated it, Mr.Speaker, sometime the 10th and the 14th of October last year - that's when it was legislated, from 1971 and here in the Chamber. I'm glad to see some of the members on the other side use the Saddams today, because, Mr.President, those Saddams are going to tell a big story in the near future.

I would like to refer to the law itself on this point. We have Planning and Development Plan and in this law they have mentioned forty times so it must have been a very important thing and we had people go round telling other people that it can be changed and you can do that with it - Mr.President, it is all down here - section 6 subsection (2) here in the whole thing, (a), (b), (c), (d) (e) (f) just what that plan is going to do. Every section of this, the

MR. JAMES M.BROWN (Inaudible) Section 6 tells you about your acquisition, I submit to you that out now and spending money for it you are getting it for free. Section 7 (2) says that every five years there must be a fresh survey to determine the land value and so forth, and it must be approved by the Legislative Assembly. It is no use of these people going in the bush still in these various districts and telling the people, "Oh, don't worry about it, it is just a plan - we'll change it for you whenever you come back up", because it cannot be changed - it is on this law. Section 6 sub-section (2) - gives the right for the Board to consult with persons outside as they think fit - I was very amazed, Mr.President and my colleague over did not think fit of anyone to consult, because as now apparent y has been consulted on it, but the main point that we have like today, Kristmasdance, is that any example I use at last. For a comprehensive plan as we have before us - oh, I never - let in this too that I wanted to point - but I'll skip this, this was dealing with the command, Mr.President, think they have as much concern my colleague and myself on, but unfortunately they only used a few little things that would have suited their aims of the story wasn't complete - they didn't read the rest of this. And if I were to stand here and read the most of it, it would probably take an hour and a half like I did the last time. I spoke on it. I can stand on my feet, don't worry about that.

We have seen the plan. We have seen the motion last before this House and we have seen so many of them gone. We were told awhile ago that we shouldn't have anything to worry about because we have them when the motion is passed Government is going to do everything that is right - Mr.President in the end a half years in this honorable I mean a lot of motions pass us. One finds all kind of nice things and they are not implemented that's what we got, Sir, - a bunch of hog-wash.

The people of this Island need sufficient time to study that plan, they need sufficient time to make written representation, as it. We all know we can talk but there are very few people that like to put pen to paper and write and that is why, Mr.President, we should give the people of this Island every opportunity to make their point - we are dealing with grave matters - we are dealing with the only thing many of our poor people have and for us to take this into our hands as Legislative members or Government members because they have the majority in weight, (I mean in numbers, not otherwise), we just have not to hurt the people of this Island, Mr.President it would be impossible to think that we could stand for that. We have to get this extension and the first part of the amendment to it I would not agree with. The second part, if the Honourable Minister over there also said that the 30th of June is not important, but yet as written into the law, he said it is just an Administrative procedure.....

HONOURABLE MINISTER: On a point of order, Mr.President, I said exactly the opposite - that the things are the important issues.

MR. JAMES M BROWN: I don't see where the point of order was because what I said was that you said that the 30th of June was not the important day because it could be handled as an extension problem but what I am saying to you as the Hon says or the Government - we have passed it in here that it must come up by the 30th of June, so now it is impossible as the other, as far as I am concerned, and I still submit that if we pass a motion here in this House: or what we call a democratic vote then it should be just enough to go into law. So do it with everything else. I commit was the reason for my point there, Mr.President, if we agreed to waive the Standing Order today on this one point, we would probably find that we would have a resolute now in three months

MR. CARL M.ROOSEN (CONTINUING) as Chairman and we would have no other recourse in any anything process we have already shut ourselves out. We've done nothing.

Mr.President, I might expect to see the attitude displayed by the Government Bench on this business I feel that they too should think the people of this Island deserve every opportunity that we can unwind them. Its unfortunate but we have to act at this point, but I may as well, Mr.President reading these gentlemen, I didn't come into Democratic party, I don't intend I'll go out that way, I didn't come into this world alone without, but as long as I occupy this seat, Mr.President, I'm going to stand on what I believe and I believe that the Chairman has been presented on this Island for the people of this to vote, 75% for it should be rejected and I will continue to remain here in session after session and any two cents chance or one something to drive down it. So I hope that this discussion over these people who accept their religious teaching will really practice what they preach. Thank you, Mr. President.

MR.President: Well, the first thing to do at this stage is to put the question that the words of the question stand as in the original motion. If none is carried that the original motion is put, if it is not carried that the amendment is put or the Assembly. So I will put the question that the words of the question stand as in the original motion . Will those in favour please say aye

SOME MEMBERS: Aye.

MR.PRESIDENT: Those against No.

SOME MEMBERS: No.

MR.PRESIDENT: I think the ayes have it,

MR. JAMES M.SODEN: Could we have a division, Sir?

D I V I S I O N.

AYES	NOES
Hon. D.V.Miller	Miss Annie B.Bodden
Hon.G.C.Washington	Mr.Claude Wolf
Hon.W.G.Thomson	Mr.Thomas Foster
Hon.T.A.Jackson	Mr.G.Haig Bodden
Hon.V. Tibbetts	
Hon.Benson O'Connor	
Hon.W.Watler Jr.	
Mr.Lucien M.Jefferson	
Capt.J.A.Bush	
11	4

RESOLUTION: Hon.T.A.Jackson ORIGINAL MOTION AS AMENDED.

MR.President: So the motion that the words of the Question stand as in the original motion is defeated.

MR. JAMES M.BODDEN LAST FOR MEETING.

MR.President: Under Standing Order 24 it now falls to me to put the amendment now for clarification I'll read out the motion as amended .

MR. SPEAKER: Whereas due to the fact that it is considered that thirty days is too short a time for the public to intelligently deal with the Development Plan as outlined in the Land Development Act of 1971
WHEREFORE be it resolved that the Honourable House approve a motion increasing the time as fetched for in section 2 sub-section 3 (a) of the Act of 1971 to be a minimum thirty days for a total of sixty days
AND BE IT further RESOLVED that Standing Order ... be suspended in order to enable the introduction at this meeting of the Legislative Assembly of a Bill to amend the Development and Planning Law 1971 accordingly.

I shall put the question that the Motion be seconded, took the question is that the motion be seconded be carried by the House. All those in favour please say Aye.

SOME MEMBERS: Aye

MR. SPEAKER: Those against Nay

SOME MEMBERS: No.

MR. SPEAKER: The Ayes have it, the Motion be therefore be carried.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975

FIRST READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975.

HON. V.L. JOHNSON: Mr.Speaker, Honourable Members, I do beg leave to introduce a Bill entitled the Development and Planning (Amendment) Law, 1975.

QUESTION PUT: AGREED: BILL READ A FIRST TIME. HON. ANDIE M.BODDEN GRANTED TO MOVE.

SECOND READING

CLERK: THE DEVELOPMENT AND PLANNING(AMENDMENT) LAW, 1975.

HON.V.L. JOHNSON: Mr.Speaker, I beg to move, Sir, the Second reading of a Bill entitled the Development and Planning (Amendment) Law, 1975.

The Memorandum of Objects and Reasons, Mr Speaker and Honourable Members, following the private members' motion as amended and as was passed by this Honourable House just a few minutes ago, this amendment to the Development and Planning Law is now submitted to put into effect the purpose as stated in that motion, namely to amend sub-section(3) of section 2 of the law to increase the time for making objections by the public from one month to two months.

Mr.Speaker, the matter has been under debate from early morning, and the amendment law is being presented now so as to complete the discussion which ensued and so, Without any further ado I would ask Honourable Members to give due consideration to this amendment law. The simple, the - matter of amending the words "one month" in sub-section (3) of section 2 of the law and substituting "two months" therefor I so recommend the Bill. Mr.President

HON. JOHN D. PETTERSEN (CONTINUED) I think it is a good exercise people, Mr.President to give the public another thirty days to make their own objections and then two more months after that where they can still be represented by their own representatives. Thank you very much.

MR.PRESIDENT, Does the Honourable Member wish to reply?

HON.W.G.THOMPSON: I have nothing further to say, Mr.President other than to follow the other procedure now.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

HON John R.SOUDEN Deputy to Work.

COMMITTEE STAGE

Moved by Hon. V.C.Johnson

SECONDED BY HON. D.W. KNIGHT

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

CLERK: Clause 1 Short Title.

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLERK: Clause 2 Interpretation

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLERK: Clause 3 Section 8 amended.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: A BILL TO AMEND THE ENVIRONMENTAL PLANNING ACT, 1971

QUESTION PUT: AGREED. TITLE PASSED

REPORT ADOPTED

Speaker resumes

HON.V.C.JOHNSON: Mr.Speaker, I have to report, Sir, that a Bill entitled the Development and Planning (AMENDMENT) LAW, 1975 was considered clause by clause by a committee of the Whole House and passed without amendment.

CONSIDERATION OF STANDING ORDER 54

MOVED BY : HON. V. G. JOHNSON
SECONDED BY : HON. T. V. MATTICK
QUESTION PUT: AGREED SUSPENDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1975.
MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. J. V. WATLER

ADJOURNMENT

Moved by : Hon. J.V.Watler
Seconded by Hon. F.C.Washington
QUESTION PUT: AGREED. AT 4.35 P.M. THE HOUSE ADJOURNED TO THE DAY

TUESDAY, 24TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, SIR. MICHAEL RUSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. MANSLEN, OBE, JP	FIRST OFFICIAL MEMBER
HON. G. E. HADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. D. B. DURHAM, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, CAYMAN ISLANDS (MEMBER FOR TOURISM AND CO-ORDINATION AND INFORMATION)
HON. B. O. EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. M. M. CONOLLY, OBE, JP	FOURTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS, NATURAL RESOURCES, MRCU, AGRICULTURE AND SURVEY)

ELECTED MEMBERS

MR. T. M. FARRINGTON, OBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MRS. RUTH M. MORLEY	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLARKE W. EALY	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. R. REID	THIRD ELECTORAL DISTRICT, CAYMAN ISLANDS
MAJ. JAMES M. MCCOY	FOURTH ELECTORAL DISTRICT, EASTERN DISTRICT
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRADDOCK EWERS	FIFTH ELECTORAL DISTRICT, EAST END

ORDER OF THE DAY

TUESDAY, 24th JUNE, 1975

1. PRAYERS

2. TO BE LAID ON THE TABLE - MEDICAL REPORT 1973
MEDICAL REPORT 1974
BY HON. B. O. EBANKS, MEMBER RESPONSIBLE FOR SOCIAL SERVICES, HEALTH EDUCATION, LABOUR, ETC.

3. QUESTIONS:

MISS ANNIE EDWARDS ROBERTS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE F.V.G.JOHNSON,OBE., FINANCIAL SECRETARY. THIRD OFFICIAL MEMBER

(i) WHAT IS THE AMOUNT OF EXPENDITURE INVOLVED AGAINST GOVERNMENT IN THE CASE REGINA VERSUS K.BRANDON WHICH WAS RECENTLY DISMISSED IN THE COURTS, AND COSTS WERE AWARDED AGAINST THE CAYMAN ISLANDS GOVERNMENT?

(ii) WHAT IS THE COST OF PREPARATION OF THE PROPOSED DEVELOPMENT PLAN TO DATE AND HOW MUCH OF THIS AMOUNT IS BORNE BY GOVERNMENT?

MISS JANIS RICHARDS ROBERTS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE W.T.DONALDSON,OBE.,JP. MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES

(a) WHAT AMOUNT HAS BEEN EXPENDED BY THE TOURIST BOARD FOR THE PERIOD FROM 1ST JANUARY, 1975 TO 31st MAY, 1975?

(b) HOW MUCH OF THE EXPENDITURE WAS SPENT ON :

(i) Advertising
(ii) Salaries
(iii) Entertainment
(iv) Passages.

(c) ACCORDING TO AN ITEM IN THE CAYMANIAN COMPASS OF THE 22ND OF MAY, 1975 CERTAIN DELEGATES ATTENDED THE ANNUAL FAIR IN NEW YORK FROM THE CAYMAN ISLANDS. WHO PAID TRANSPORTATION AS WELL AS THE HOTEL CHARGE OF $75 A PERSON PAID FROM THE VOTE IN THE DEPARTMENT OF TOURISM? IF THE ANSWER IS IN THE AFFIRMATIVE WILL THE MEMBER STATE WHAT BENEFIT WILL BE DERIVED BY THE TOURIST INDUSTRY FROM THIS EXPENDITURE?

MISS JANIS RICHARDS ROBERTS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE D.V.MILLER, OBE., JP., JUNIOR SECRETARY, THIRD OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

WILL GOVERNMENT TAKE INTO CONSIDERATION THE MATTER OF OBTAINING FIRE FIGHTING EQUIPMENT FOR THE ISLAND OF GRAND CAYMAN, AS THIS IS CONSIDERED INADEQUATE, WITH IN THE PAST FOUR OR FIVE MONTHS THERE HAVE BEEN QUITE A NUMBER OF FIRES WHICH DESTROYED COMMERCIAL BUILDINGS IN THE GEORGE TOWN DISTRICT?

MR.CLIFFORD M.HILL (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. B.O.EBANKS, MINISTER FOR MEDICAL, EDUCATION, SOCIAL SERVICES, LABOUR,ETC.

IT IS KNOWN THAT A LARGE NUMBER OF RATS ARE BEING BROUGHT TO THESE ISLANDS BY SHIPS AND BOATS: WILL THE MEMBER SAY WHEN LAST WAS A PROPER DISINFECTION BEEN CARRIED OUT OF SHIPS OR BOATS ENTERING THE PORTS OF THE CAYMAN ISLANDS?

MR. JOHN J.DEFRESSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. J.B.BUSH,J.P. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

IN VIEW OF THE PRELIMINARY BACKGROUND OF THE PEOPLE OF THESE ISLANDS AND SINCE IT HAS BEEN INDICATED THAT THE BROADCASTING STATION MIGHT COMMENCE OPERATIONS DURING THE LATTER PART OF 1975 WILL THE MEMBER SAY WHAT STEPS WILL BE TAKEN TO ENSURE THAT THE PROGRAMMES TO BE BROADCAST BY STATION WILL BE GEARED TO EDUCATIONAL PURPOSES, INSTRUCTION, SACRED MUSIC,ETC., RELEVANT TO THE PEOPLE'S BACKGROUND AND INTERFERENCE ON THIS HIGH FREQ

MR. JOHN D. JUNKERSON (CONSTITUENCY OF KENT EAST) TO ASK THE HONOURABLE P.O.BRANKS, MINISTER FOR MISCONC., EDUCATION, SOCIAL SERVICES, FARMER- EDUCATION ETC.

IT IS KNOWN THAT THERE IS NOW A PERCENTAGE OF UNEMPLOYMENT IN THESE ISLANDS AS HAS BEEN EVIDENCED BY THE FACT THAT IT HAS BEEN NECESSARY IN THE PAST TO IMPORT WORKERS FROM OVERSEAS SECTIONS OF OUR DEPARTMENT OF LABOUR FORCE; WILL THE MINISTER SAY WHAT EFFORTS ARE BEING MADE BY THE CONSERVATION DEPARTMENT TO ALLEVIATE THE UNEMPLOYMENT OF CANADIANS.
IF THE ANSWER IS IN THE NEGATIVE AND SINCE THE PUBLIC WORKS DEPARTMENT HAS REVEALED MANY ENERGETICS AS CANADIANS CONSERVATION AND MINING WILL THE MINISTER SAY WHAT STEPS HAVE BEEN TAKEN TO SEE THAT PREFERENCE IS GIVEN TO CANADIANS IN FILLING THESE POSTS.

4. GOVERNMENT BUSINESS:-

BILLS:-

(i) The Public Service Commission (Canada) Bill, 1975 ist
(ii) THE HIGHER EDUCATION (LOAN) BILL - FIRST READING
(iii) THE RADIO BILL FIRST READING
(iv) THE PROVISIONS BILL, 1975 FIRST READING
(v) THE SUCCESSION BILL, 1975 FIRST & SECOND READINGS
(vi) THE PENAL CODE BILL FIRST

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SECOND SITTING OF THE (1975) SESSION OF THE LEGISLATIVE ASSEMBLY
TUESDAY 24th JUNE, 1975
10 a.m.

MR. PRESIDENT: The Assembly is in Session, I shall ask the Reverend Neil Banks to say a prayer.

PRAYER: REV. DR. A.N. BANKS: Let us pray.

Almighty and Everlasting God source of all power and the source of all wisdom, we pray for they blessing upon this Assembly now in Session praying that they will truly use thy Divine power and wisdom to help the Members of this Assembly to deal with the urgent matters of the day in such a way that good may be brought to all the Members of these islands. We pray for all in authority over these islands, and Her Majesty the Queen and the members of the Royal Family, her Ministers in Britain and in these Islands, praying that they may so carry out their duties, that all will be done to the good of those under them, and to thy glory. In Jesus name we ask it. Amen.

SR. PRESIDENT: Papers to be laid on the Table - Agenda Item two.

HON. D.O. EVANS: I beg to move that the Medical Report for 1973 and the Medical Report for 1974 be laid on the Table.

SECONDED BY HON. D.V. MILES.

SR. PRESIDENT: So ordered.

HON. D.V. MILES: Mr. President and Honourable Members before proceeding with the Order of the Day, I'd like to draw the Members attention to the business of the Week in respect of the Government Business. You will note thereon that it is expected that we will take the First and Second Readings of the Higher Education Bill today, also the First and Second Readings of the Juvenile Bill today. It is on the Order of the Day as only the First Reading, but we've supposed to take the First and Second Readings of these two Bills today.

MR. PRESIDENT: Questions.

QUESTIONS

MISS ANNIE MICHAEL HOOKER (CONSTITUENCY OF GEORGE TOWN) TO ASK THE ATTORNEY-GENERAL V.G. JOHNSTON, ESQ., FINANCIAL SECRETARY, HEAD OFFICIAL MEMBER

(1) WHAT IS THE AMOUNT OF EX-GRATIA PAYMENTS AGAINST GOVERNMENT IN THE CASE REGINA VERSUS E. SMARTON WHICH WAS RECENTLY TRIED IN THE COURT AND WHAT COSTS WERE AWARDED AGAINST THE CAYMAN ISLANDS GOVERNMENT?

ANSWER:

THE EXPENDITURE TO DATE IS IN THE SUM OF CI$,360.00 WHICH INCLUDES EXPENSES OF THE PRELIMINARY HEARING, THE TRIAL AND THE APPEAL IN JAMAICA. LEGAL COSTS WERE AWARDED AGAINST THE CROWN BY THE COURT OF APPEAL TO BE TAXED, THE AMOUNT IS NOT YET KNOWN.

MR. JAMES M. HOOKER: Supplementary. Could the Member advise us who prosecuted this case on behalf of the Crown?

HON. V.G. JOHNSTON: The persons from the Legal Department prosecuted the case. The Legal Draftsman and the Legal Assistant.

MR. JAMES M. HOOKER: Further supplementary, could we be advised in the case of this gravity why the Attorney-General did not prosecute the case?

SEN. V.G. JOHNSON: Answer to that supplementary question Mr. President is that the Attorney-General was not on the island at the time.

MR. CLAUDE HILL: Mr. President if I'm permitted I would like to ask a supplementary question to the Third Official Member. Will government have to pay this money in a lump sum if it is ordered that it must be paid?

SEN. V.G. JOHNSON: Mr. President the reply to that supplementary question is that when the cost is known and if it is known then that will be paid in a lump sum. That is the only charge outstanding.

MR. JOHN CRITTENDEN: Another supplementary Mr. President. Was the Legal Assistant assisted by the Legal Draftsman, or was the Legal Draftsman assisted by the Legal Assistant?

HON. V.G. JOHNSON: The reply to that supplementary question Mr. President, is that the Legal Draftsman was leader in the prosecution, and he was assisted by the Legal Assistant.

CAPT. A.L. REID: Further supplementary Mr. President. Why didn't government appeal this case to the Privy Council in England?

MR. PRESIDENT: I think we're getting very far away from the question on expenditure on this page.

CAPT. A.L. REID: It is the subject Sir.

MR. PRESIDENT: Pass on to next question.

HON. V.G. JOHNSON: Question number two by Miss Annie M. Bodden.

WHAT IS THE COST OF PREPARATION OF THE PROPOSED DEVELOPMENT PLAN TO DATE AND HOW MUCH OF THIS AMOUNT IS BORNE BY GOVERNMENT?

ANSWER:

THE COST WHICH IS BORNE BY GOVERNMENT TO DATE IS CI$12,197.00. SALE OF COPIES OF THE PLAN HAS ACCOUNTED A SUM OF CI$2,498 RESULTING IN A NET EXPENDITURE OF CI$9,699.

MR. JAMES M. BODDEN: Supplementary - does that account cover the wages, the lodgings, and so forth of the members who participated in it, or is that just actual expenditure for printing?

HON. V.G. JOHNSON: The answer to that supplementary question Mr. President, is that this sum quoted does not include the wages of any individual involved in the planning.

MR. JAMES M. BODDEN: Further supplementary. Could we be advised what department heads of government participated in the preparation of this?

HON. V.G. JOHNSON: Mr. President the answer to that supplementary is, Members now very well aware that the preparation of the Development Plan is the responsibility of the Central Planning Authority, and the Central Planning Authority works within the Department of Town Planning. The Director of Planning is Secretary of the Central Planning Authority, and is the officer responsible for the carrying out of those duties. However, government also saw fit to set up a Development Co-ordinating Committee to assist the Central Planning Authority in the preparation of the final Development Plan. So that Committee was also involved.

That Committee is within the Department of Finance and Development, therefore the two departments, Town Planning, Finance and Development were responsible to a great extent for the preparation of the Development Plan. They were assisted to a large extent by the Planning Unit of the United Nations, which is based in St. Lucia, and which offers direct

HON. V.G. JOHNSON (CONT'D) assistance to the government of the Cayman Islands in planning matters.

MR. JAMES M. BODDEN: Another supplementary Mr. President. Could we be advised whether at the present time the development plan is being used by the Planning Board to base any of their decisions on?

HON. V.G. JOHNSON: The answer to that supplementary question Mr. President, is "no".

MISS ANNIE M. BODDEN: Mr. President if I may be permitted to ask a supplementary question, since this is only the answer to half my question. I would like to know what is the cost of preparation of the proposed Development Plan to date. If the answer says the cost which is borne by government, my question is only half answered Sir. I would like a full answer to my question.

HON. V.G. JOHNSON: Mr. President the reply to that is that the figures given here are expenditures to date, and expenditures borne by government. The answer says the cost which is borne by government to date.

MISS ANNIE M. BODDEN: Mr. President I'm sorry to have to repeat myself, but my question was, what is the cost of preparation of the proposed Development Plan to date, and how much of this amount is borne by government?

The answer, the cost which is borne by government to date is CI$12,197.00, but that does not answer the question but by half why, this is not the complete cost.

HON. V.G. JOHNSON: Mr. President the answer to that is that I'm not aware of any other costs, unless the Member is referring to the cost of wage and salary which is involved. I would like to say here that the government provides services in various areas of the service. There is a department which takes care of Town Planning and the preparation of the development plan. There're other services as well. Like even the repair of a motor car and such things. These are services for which staff is provided, and for which no direct charge is made for labour. Staff is provided for all the services of government including the preparation of the Development Plan.

DR. LLOYD McKOY: A supplementary Mr. President. Does the amount of CI$12,197.00 include plane fares, hotel expenses, living expenses and the wages in Cayman Brac?

HON. V.G. JOHNSON: Mr. President the reply to that is 'yes' those are small charges which are included miscellaneous cost in the department, they're not very big charges. The plane fares to Cayman Brac of the staff, hotel accommodation, per days in Cayman Brac these are all small charges when compared to the others I mean.

MR. JAMES M. BODDEN: Supplementary. Is it true that in the preparation to date the three main areas concerned were the Director of Work, Director of Agriculture and the Member for Tourism?

MR. PRESIDENT: I'm afraid that's very far from the original question.

MR. G. HAIG BODDEN: Another supplementary Mr. President. Since the amount of CI$12,197.00 indicated in the answer is the cost which is borne by government; can the Member give us a rough estimate of the other cost referred to in the question? Or in other words a rough estimate of the total cost.

HON. V.G. JOHNSON: Mr. President I'm not too certain what the Member is referring to, because this is the total cost which I'm giving here, CI$12,197.00, as far as our records are concerned. I don't know of any other cost really.

MR. JAMES M. ESCOSH: A further supplementary Mr. President. In view of the fact that $1,197,000 is so what has been done, could the Minister tell us in his estimation the length of time that is going to be needed for the Tribunal to work on this and for it to come back to the Legislature and how much the multi-purpose court may be at that time?

HON. V.C. JOHNSON: Mr. President, I think this would be better answered later on, and not at the present time. I cannot give a direct answer to that Sir.

CAPT. A.S. BRIC: A further supplementary Mr. President. Could the Member say if the Plan is now being revised to meet the objections of the various land owners both at home and overseas? Because I've had several from overseas.

MR. PRESIDENT: I think that this could well be taken when we debate the motion on the extension of the time for the Development Plan. It is rather far removed from the original question.

MR. E. CRAIG TORRES: The sum of $150,000.00 has been recovered by the sale of the Plaza. Is it expected that the deficit of $69,699.00 will be recovered in some other way?

HON. V.C. JOHNSON: The answer to the supplementary Mr. President is 'no', this will be an expenditure of government, there's no other way to recover that.

MR. JAMES M. ESCOSH: Further supplementary Mr. President. Can the $1812,197.00 that has been spent to date be summed in any compact percentage wise. Against what the effect of this Plan may have had on the tourism?

HON. V.C. JOHNSON: I think we have a few accountants here Sir.

MR. PRESIDENT: We'll pass on to the next question.

MISS AGNES TURNER TORRES (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE MEMBER FOR TOURISM, SEE, IT, MEMBER FOR HOUSING, LANDS AND AGRICULTURE

(1) WHAT AMOUNT HAS BEEN EXPENDED BY THE BOARD FOR THE PERIOD FROM 1st January, 1975 TO 31st May, 1975.

HOW MUCH OF THE EXPENDITURE WAS SPENT ON -

(i) ADVERTISING

(ii) SALARIES

(iii) ENTERTAINMENT

(iv) MESSAGES.

ACCORDING TO AN ITEM IN THE CAYMANIAN TIMES OF THE 22ND OF MAY, 1975 CERTAIN DELEGATES ATTENDED THE FESTIVAL HELD IN NEW YORK FROM THE CAYMAN ISLANDS. WAS THEIR TRANSPORTATION AS WELL AS THEIR COVER CHARGE OF $75 A PERSON PAID FROM THE VOTE TO THE DEPARTMENT OF TOURISM? IF THE ANSWER IS IN THE AFFIRMATIVE WILL THE MEMBER STATE WHAT BENEFIT WILL BE DERIVED TO OUR TOURIST INDUSTRY FROM THIS EXPENDITURE?

HON. W.H. COUPER: I would just like to comment and say that there is no Tourist Board. I think what the Member is referring to is the Department of Tourism.

OTHERS:

TOTAL EXPENDITURE UP TO 31ST MAY, 1975 = $[illegible]

(a) (i) ADVERTISING.....$34,154.33

(ii) SALARIES.....$41,011.05

(iii) ENTERTAINMENT.....$ 84.00

(iv) MISCELLANEOUS.....$ 2,309.52

(b) HON. CAYMAN DELEGATES WHO ATTENDED THE CARIBBEAN SUMMIT IN NEW YORK ON MAY 22ND, 1975, AIR TICKETS FOR THREE OF THESE DELEGATES WERE PAID FOR BY THE DEPARTMENT OF TOURISM AS WELL AS THEIR COVER CHARGE OF U.S.$75.00 PER PERSON FOR ALL SIX DELEGATES. THE CARIBBEAN SUMMIT IS AN ANNUAL FUNCTION OF THE CARIBBEAN TOURISM ASSOCIATION OF WHICH OUR GOVERNMENT IS A MEMBER. THE AIM IS A FUND RAISING AFFAIR AND APPROXIMATELY [illegible] (APPROXIMATELY $1,5,000.00) PER YEAR WHICH HAS BEEN USED FOR PROMOTIONAL ACTIVITIES FOR THE CARIBBEAN AS A DESTINATION. THESE FUNDS (APPROXIMATELY SIX THOUSAND) HAVE BEEN USED TO PRODUCE A NEW PUBLICATION ITEM OF THE CARIBBEAN. THE CAYMAN ISLANDS ARE INCLUDED IN THIS PROMOTION BUT I DO NOT KNOW WHAT OUR SHARE OF THE COSTS WILL BE.

MR. JAMES M. BODDEN: Supplementary Mr. President. The Member has told us that the Hall should not be $20,000, could he give us any idea as to how many people were present at this Ball?

HON. W.M. CONOLLY: Mr. President I said that it generally salves US$20,000. I don't know exactly what the actual of the 1975 ball would have been. But the answer is how many people attended this Ball was in the vicinity of four hundred people.

HON. JAMES M. BODDEN: Four hundred people at $75.00 a head would give us about [illegible], so this year we should make a profit on it, is that correct?

HON. W.M. CONOLLY: The same Caymanian Compass that carried the story of the Ball said it was a great success, so I take it that it will be three ways, and raise that much money.

MR. [illegible]: Mr. President if I'm permitted I would like to ask the Honourable Member - I'll have to make a motion to what he said at first. He said there is no Tourist Board, and my question now asks why the Tourist Board have anything to do with the expenditure now?

HON. W.M. CONOLLY: Mr. President I think I'm correct in saying that there is no such organization at the present time in the name of the Cayman Islands Tourist Board. The Tourist Board that came into being in 1974 came in under a Law of 1965, and that Tourist Board Law was repealed here since the Honourable Member has been in this Legislature about a year and a half ago, and a full Department of Government was set up under the new Tourist Law, a Law that was passed in August last year.

MR. JAMES M. BODDEN: A further supplementary. The Member for Tourism has advised us that to date $[illegible] of the Tourism Budget has been spent, could he advise us how this compares with last years' figures on expenditures on the amount of tourist about the same time? Do we have an increase in tourism this year or do we have a decrease for the amount of money we have spent?

HON. W.W. CONOLLY: The amount of money spent does not all times reflect the true picture of the amount of tourist coming in, as a demonstrator, I think it is correct to say that there has been less tourist coming in this year than they did last year.

MR. JAMES M. SUTTON: I'm sorry that I had to cancel my question that way, but I wanted to be. The expenditure is so that you wouldn't say that it was irrelevant. Not apparently there has been a decrease, would you be able to comment on what may have caused that decrease this year being we have increased our expenditure?

HON. W.W. CONOLLY: As I said before I don't think these two figures all times have parity or relationship. The decrease this year in my opinion if I'm permitted to offer an opinion, has been caused by the recession in the North American Continent, from areas where most of our tourist arrive.

MR. JAMES M. SUTTON: A further supplementary. Could we be advised where we are placing the advertisement and in what issues of magazines and so forth, so that we could get an idea of whether we are hitting the right clientele or whether we're just advertising pell-mell.

HON. W.W. CONOLLY: Mr. President we advertise in prominent magazines, I can't give you names of all of them, and I can't tell you exactly in what issues. This is a question that would need time, because I have to look at statistics on it. But magazines such as "The New Yorker" "Modern Bride," "Travel Digest," "Travel in Leisure," they're some of the names of magazines that we do advertise in, and last but not least "Sixty Minutes."

MR. JAMES M. SUTTON: A further supplementary. Would it be possible for the Member to come then in the future dates to circulate some of these advertisements to the Legislative Assembly so that we could see what we are advertising?

HON. W.W. CONOLLY: Mr. President I have no objection if I could get the co-operation of Members I would be most happy to bring them up to date, but I find it very difficult in getting the co-operation from Members. Because only last evening Members were invited to see a promotional film of the Caribbean and with the exception of very few Members turned up. If Members give me the co-operation that I would like to have, I would be more than pleased to supply them with the names of all our promotional efforts, in any magazine and wherever we place an ad.

MR. JAMES M. SUTTON: A further supplementary. Leading on to the answer that the Member has just given, would he repeat again what this invitation was it was it last night, because if as I do not recall receiving an invitation although as an frank with you I very seldom attend. Could he advise as whether it was last night?

HON. W.W. CONOLLY: That is correct last evening at 5.30.

MR. JAMES M. SUTTON: A further supplementary Mr. President. I'm sure that fairly accurate figures can be obtained the amount of money that the tourist is spending on the island as supposedly spending. I wonder whether the Member could advise us how this year's expenditure or the island compares to last year's expenditures, and whether in his opinion with our advertising we are reaching the right type of clientele abroad?

HON. W.W. CONOLLY: Mr. President I look at this question can easily be answered. The last research that we did on this we found that the tourist spends approximately two hundred and twenty dollars per person for a stay on the island, this includes everything. The last part of his question is a matter of opinion, and I crave privilege on this because the

HON. W.W. CORNELL (CONT'D): ... just a matter of opinion and I don't know that I should make that calculated guess / how much the tourist will spend or where the advertising or whether we're bringing in the right person or not. Mr. Silvertown, who comes in quite a different matter.

MR. JAMES N. BODDEN: Further supplementary. The average has been xxx, I wonder whether at the present time we have any statistics that may show whether it is 150 or 180 or 200 average that they're spending now. Whether the amount of money spent on the island has decreased or whether in your opinion it has increased?

HON. W.W. CORNELL: Mr. President I hate again to reply in this fashion, but this kind of statistics would only be available probably to the Tourism Department, and I'm not in a position to take over a guess.

MR. JAMES N. BODDEN: Is it true that our main advertising effort is being directed in the Florida area?

HON. W.W. CORNELL: No, this is not exactly so.

MR. JAMES N. BODDEN: Further supplementary. Could we be advised at this time as to the percentage of the budget a number for entertainment that has been spent?

HON. W.W. CORNELL: I would not say definitely. The question took was meant on which required research was what was spent up to the 31st of May, and I've answered accordingly. Up to the 31st of May it has been $64.0.

MR. JAMES N. BODDEN: Further supplementary. Can the Honourable Member of government, could we be advised whether the people connected with the Department of Tourism travelling on CAL travel at the reduced fare which would mean very little bit of income for CAL, or do they pay the full fare?

HON. W.W. CORNELL: Persons travelling whose account is debited to the Department of Tourism are regular fares from CAL.

MR. G. HAIG BODDEN: The total amount spent is $298,855.00, is this amount commensurate with the budgeted figure for the whole year 1974?

HON. W.W. CORNELL: The answer is yes.

MR. G. HAIG BODDEN: Is the expenditure in keeping with the recession?

HON. W.W. CORNELL: What recession you're talking about I don't know.

MR. G. HAIG BODDEN: Well let's say the recession in the tourist industry.

HON. W.W. CORNELL: Mr. President, I think I've answered that before. I said I don't think that they have any relevance, the number of persons who come here and the amount of money spent has no particular reference or relevance.

MR. CLERK: Mr. President I will have to make a statement before making the question. The Member stated that the Department of Tourism I would have known when it was established, I am quite aware of the fact that it was established, and the question that is placed before him here now by the Honourable Member Miss Sandi Bodden from the Constituency of George Town is asking him in regards to the Tourist Board, and we have established a Board and her question has not been answered as yet.

MR. PRESIDENT: I think the Honourable Member has replied that there is no such thing as a Tourist Board at the present time. There is a Department of Tourism.

MR. CLAUDE HILL: With the greatest of deference Mr. President, he's trying to make it appear that there was no Tourist Board established from the 1st of January 1975, until May the 31st of this year.

HON. W.W. CONNOLLY: Mr. President, if I could clear the air a little bit, if I'd /** strictly as what the question said I would have said the Tourist Board spent no money, because there's no such a thing as Tourist Board. I took it and checked the question believing that there was a common I would say in a genuine error of saying Tourist Board because its a common thing. There is no such a thing as the Tourist Board, what we have in the Island we wish to a government Department of Tourism run by Civil Servants and this is the same as the Department of Public Works, same as the Department of Education or anything else, we have no Tourist Board. Last year the new Tourism Law repealed the Tourist Board Law of 1965, now as such there is no Tourist Board in the Island.

MISS ANNIE H. BODDEN: Mr. President due to what I've heard it's a wonder I got my answer at all. But I'm saying that this tourist industry as I know was what I upheld. If I made a mistake in not saying the entire Tourism Department which I shall in future, I'm sorry.

MR. JAMES M. BODDEN: A further supplementary Mr. President. According to the answer sheet that has been circulated to say it shows that up to the 31st of May of this $44.90 had been spent for entertainment. The answer shows us that six delegates were paid for at the Hall at $9870.00, if my arithmetic is correct that should be about $8880.00 or roughly about $1000. Could we be advised whether that has gone under to the expenditure bracket as for entertainment or charity or what else has been appropriated to.

HON. W.W. CONNOLLY: The point Mr. President I'll make again if Members entrust their money from their Ministries there is no such item as Entertainment under our budget. The item under our Ministries goes in the name of Hospitality, not Entertainment at all. But I answered it because I didn't want to split hairs. With Hospitality vote, and I'll take this opportunity because apparently it could come up twice. The Hospitality vote is a vote that have for providing certain amenities to travel writers and travel agencies, and this sort of thing. Now we begin expenditure from this vote because why, because that's the plan that travel agencies travel writers and people coming to the Island come in. The airlines give them free tickets at various hiccups, the hotels give them free rooms, and the Department gives them the little necessary things like getting them around the Islands, let them see what we have to offer and all this. Because they're the people who are out in the market place and also are advertising us, we get a lot of mileage out of travel agents travel writers and this sort of thing.

The item of Passages there is no such item in our Estimates under Passages. We have a vote under there called Transport and Travelling. In going periodically by what the Estimates say, so I was asked for our passages, and I calculated and segregated what was paid in passages. This money that you see there $2,494.12 has been the sums that has been spent in passages.

MR. JAMES M. BODDEN: A further supplementary Mr. President. I must appreciate the letters as have been given in regards to Entertainment and Hospitality. So apparently there is no place in the Estimates to cover entertainment, and it has been put under Hospitality. Now how this money that $71.00 a piece been appropriated to Hospitality or has it been appropriated to Entertainment, and if we do not have an expenditure option for Entertainment in the budget how could he give us this figure of $44.90?

HON. W.W. COWLEY: Mr. President I explained from the time I got up that if I had attempted to answer this question in the way it was worded, I would have just got up and said "no." I was trying to be decent and I tried to answer it. Because surely as I explained before the Member in drafting the question didn't look after the Budget. We have no item there called Passages, we have no item called Entertainment, and I guess the true figures of what it is. Whether you call it Hospitality, I call it Hospitality, the Hospitality in the Peninsulas, and so be the 31st of May we have spent $64,00 on Hospitality. That's what I've said.

MR. CLAUDE A. HILL: Mr. President a further supplementary Sir. I would say that its human for all of us to err, and I am in sympathy with the George Lamming Review, because I too do not know such duration and sometimes I get mixed up with entertainment and hospitality, and don't know the difference. But in view of what has been said to us, could we be advised that this $49.00 under Entertainment just what was that spent on then?

HON. W.W. COWLEY: This is one that probably would require some research, because I mean I can't carry a book in my head, and in fact the Finance Department again is due and that keeps the accuracy and really knows. But I think this was spent on probably the rental of a car as transportation for some travel writer, if my memory serves me right this is what it was.

MISS MARIE H. BOGLE: Mr. President although I do not have a college education, I guess myself I have some good common-sense. And I would have put it in this sophisticated language, but I wanted to make it simply clear what I meant, and I wanted the amount for Advertising, Salaries, Entertainment, Passages, I could have put it in another language, but I wanted it plain.

MR. CLAUDE HILL: Mr. President if I am permitted I would like to ask the Honourable Member why are those items placed in a disguised manner in the Budget?

HON. W.W. COWLEY: Mr. President I think we're taking time too far, because Members approved of these, these are expenditures that are in the Budget, they were passed by the Finance Committee and by the House, so I have no reason to question. Nothing has been disguised as far as I'm concerned.

MR. CLAUDE HILL: But Mr. President I would have to make a statement again Sir.

MR. PRESIDENT: This is question time I may remind the Honourable Member.

MR. CLAUDE HILL: Yes its question time, but the question comes after the statement Mr. President. Mr. President since the Budget is put before us in a disguised manner I think it up time for us to consider and I am sure much more time will be spent before we say yes to a Budget. The question that I want answered is, will it appear in the same manner as it is now?

HON. W.W. COWLEY: Mr. President I don't know exactly what the Member is talking about, all monies and transactions with the Department of Tourism comes through the Finance Department, auditors and everything else. I take exception of anything being disguised, that is a reflection on Government Audit and Financial Department. All financial arrangements, all financial transactions in the Department of Tourism are known through our audit.

CAPT. E.A. REID: Would the Honourable Member say why the Department has not spent any money on advertising in Ontario, the richest

Capt. A.A. ARTI (cont'd): part of Canada. I don't believe thousands of them heard of it until since I've been going there in the past five years. And why does that the Department of Tourism put up a larger sign in the office at Miami. They've got to put right up against the desk to see it, while the Tower has a sign right inside high, we should have one in comparison pretty much it at least, but I prefer to see it on top.

HON. W.M. CONNOLLY: The first part of the question, why we don't advertise in America, I think this is a number of means. The only reason why we don't advertise all over the world is because of the means, if we had the money we surely would do. As far as the large sign, the Cayman Airways sign at the Miami Airport, the Department has absolutely nothing to do with this. Our office in Miami is 250 Catalonia Street in Coral Gables, and there it is.

MR. JAMES M. WOODS: A further supplementary Mr. President. According to the answer sheet circulated by the Member, we paid for six tickets at under charge for six delegates, but in the first part of his answer we have only paid air fare for three delegates. Did we have six delegates in attendance, or did we have three, and if we paid for six what happened to the other three as their transportation, did they get there by horse and buggy, or did they live in the New York area or what happened? Why did we not pay for the other delegates and report that in the same answer that we treated the other three?

HON. W.M. CONNOLLY: The answer is exactly what happened. We paid six tickets for three delegates and there were six delegates. The other three six fares were paid under other heads.

MR. JAMES M. WOODS: Could you advise me on the Member of Tourism that would be in charge of this item what other heads they were paid under?

HON. W.M. CONNOLLY: We are going into depth. Sometimes its getting nearly close, but two of the delegates happened to be His Excellency the Governor of the Cayman Islands, whose air tickets were paid under another head, as was his wife. One of the delegates happened to be my wife who was there, that is six fares was paid for.

MR. JAMES M. WOODS: Mr. President on a point of clarification Sir, what I'm trying to get after, I am not in any respect against this money being spent for these, but I just wanted to find out how they got these, and that they were treated equal, and that if all Mr. President to assure the Member for Tourism that he does not disagree his answers in the future, but come out straight with them.

MR. G. HAIG BODDEN: The Member is sure that we can profit greatly from the exposure given by the film, that is the last statement in the answer. Since the Member is sure that we can profit can he tell us where this film will be shown, and how much exposure we're given on the film? By that I mean is the film is running twenty minutes, will we be shown for five minute or two minutes? To where will the film be shown, and what is the length of the exposure we will get?

HON. W.M. CONNOLLY: Mr. President it is unfortunate that I have to make a statement rather than making a definite reply, as I've said before and what I've said in my answer that this film was a promotional film of the Caribbean as a Continuation. This particular film was shown to Members at the Conference last evening, and if Members had attended this question would have been unnecessary, because the Executive Director of the Caribbean Travel Association who is in Jamaica at this very moment, explained very carefully / ... attraction what was being done about this. That particular film is being shown to the private member this morning, probably at this time. But this film of the Caribbean will be shown extensively throughout the United States. There will be over two million viewers on T.V. alone who will see this, plus a lot of the airlines are carrying it, I think that ..

HON. W.W. CONOLLY (CAYMAN): American Airlines are going to show this film on their DC 10, and they have wide coverage over the United States and also there. So this film will have wide coverage in the United States, it is going to be imprinted in Spanish, French and German, so it will be widely publicized in Europe, it will also be shown in the United Kingdom - so its most publicity. This is as much as I can say now, I can't say how many people will see it before it ends, but I would imagine that there will be millions of people throughout the world who will have seen this film.

MR. CLAUDE HYDE: Mr. President one question I would like to ask the Honourable Member, he said that this film was shown on the Caribbean, how much of the Cayman Islands was shown?

MR. PRESIDENT: I don't think we can go on to debate the contents of this film in relation to this particular question. We've had a great number of supplementaries, I'll take a few more, but its almost developing into a debate.

MR. CRADDOCK EBANKS: Mr. President would the Member be able to say at this time as a supplementary, how many personnel principals from this ministry are salaried? Not the amount per person, its how many personnel?

MR. PRESIDENT: Could the Honourable Member clarify?

MR. CRADDOCK EBANKS: How many personnel' principals from this ministry are salaried? Not their amount in relation I'm asking how many personnel?

HON. W.W. CONOLLY: Mr. President, again I don't to be rude, but surely we have an establishment in the Secretariat that has been approved by this House. I don't know exactly how many, I could sit down and work it out, but I'm sure the Members are in the same knowledge as I have. The secretariat there is an established number of personnel on that, and they're now people being paid under Ministries - Cayman, Miami, New York, Chicago. They're all into the Secretariat.

MR. CRADDOCK EBANKS: Mr. President, there're times when new staff is taken on, there're times when staff is transferred to other departments, so it makes a reduction or an increase. I only asked that as the question arises as at this time.

HON. W.W. CONOLLY: What I'm trying to say Mr. President that the department has an established force, if someone is on leave and someone comes to fill in or substitute it makes no difference as far as the pay is concerned. The salary are there stated in the Estimates and they're there, if somebody is on sick leave or maternity leave, or vacation leave as the case may be, once the post is filled it doesn't make any difference. It is an established post and these are the salaries that have been approved and this is the amount of money that has been paid up to the 31st of May

HON. W. MACK BODDEN: This is my last question Mr. President, but I would like the Member to let us know when and by whom we sent my invitation to this private new film, because I'm hearing about it for the first time?

HON. W.W. CONOLLY: The invitation was sent out by the Principal Secretary at the Department of Governor's Office. I don't know how it was it was, whether it went out by hand or fax or what, but it went out, that's all I can say. I'm very sorry that Members didn't get their invitations, and I can look into the matter to see exactly and let you know how they went, but I can't say up at this present time.

MR. PRESIDENT: We'll pass on to the next question.

MISS ANNIE E. BODDEN (COUNSTITUENCY OF GEORGE TOWN) TO ASK THE HON. D.V. [illegible], [illegible] - CHIEF SECRETARY - FIRST OFFICIAL MEMBER.

WILL GOVERNMENT TAKE IMMEDIATE CONSIDERATION THE NEEDS OF ESTABLISHING FULL FIGHTING EQUIPMENT FOR THE ISLAND OF CAYMAN, AS THIS IS CONSIDERED IMPORTANT, WHICH IN THE PAST FOUR OR FIVE MONTHS THERE HAVE BEEN QUITE A NUMBER OF FIRES WHICH DESTROYED COMPLETELY BUILDINGS IN THE GEORGE TOWN DISTRICT?

ANSWER:

YES, THE GOVERNMENT WILL EXAMINE THE MATTER OF FIRE FIGHTING SERVICES FOR THE CAYMAN ISLANDS.

MISS ANNIE E. BODDEN: Mr. President I would like to ask a supplementary question. He said they will consider it, I would like to know when?

HON. D.V. [illegible]: There are quite a number of things to be taken into consideration when you're going into a fire fighting service, the case of water, the case of equipment, the case of personnel, and these will be examined and settled.

MR. CLAUDE [illegible]: Mr. President a supplementary question to the Honourable Member. Why does the present fire fighting at the airport have the initials C.I.F.S. What they can only come out if a plane is/on the ground they cannot leave or is about to arrive. Why do they carry the C.I.F.S. on their shirts, what does the C.I.F.S. stand for?

HON D.V. [illegible]: I'm afraid I don't know what that stands for, I know that the fire service is geared what we have for the airport and the airport only. It is only when they're are no planes on the ground or no planes are expected, and there is a fire that it might leave the airport.

MISS ANNIE E. BODDEN: Mr. President in view of all the fires Construction of houses in not only George Town but the going on in West Bay. Would the First Official Member say if it is considered an important and urgent matter?

HON. D.V. MACKAY: If you ask an opinion, I would say yes it is an important matter, but then it is for the Government to study this matter.

MISS ANNIE E. BODDEN: Mr. President I would like to ask, is it due to the lack of funds or what is the reason of this?

HON. D.V. MACKAY: No, the thing I said that would have to be taken into consideration is the source of water. Now I know that you may find well you had a fire near to the sea and you could pump the water out of there, but when you're established in a fire station for the island, the people in that line inland also deserve a service. Now where is the water coming from, this is why I say we have a lot to think about.

MR. PRESIDENT: Next question.

MR. CLAUDE A. [illegible] CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. D.O. [illegible] MEMBER FOR [illegible], EDUCATION, SOCIAL SERVICES AND LABOUR,

IT IS KNOWN THAT A LARGE NUMBER OF RATS HAS BEEN SEEN RECENT IN VARIOUS PARTS OF SHIPS AND BOATS. WILL THE HONOUR SAY WHAT HAS A PROPER DISINFECTION BEEN CARRIED OUT IN SHIPS OR BOATS ENTERING THE PORTS OF THE CAYMAN TERRITORY

ANSWER:

IT IS NOT KNOWN WITH CERTAINTY A SHIP HAS RECENTLY DISINFECTED AT FOREIGN PORTS.

Hon. Joseph N. Momoh: a supplementary. Has the Member in charge of this Department ever given consideration to forming the coast to have its guard?

Mr. Davis B. Brooks: The answer to that supplementary Mr. President is that under the proposed Port Authority Bill and Regulations which are to come before this House in the second half of this year provision is being made for the enforcement of the use of its guards on all ships line.

Mr. Davis N. Booden: Further supplementary Mr. President. The last Session of the Session before last of this House we got quite a lecture on Anthrax and some other very contagious diseases. Is it not possible that rats could cause more problem than some of the other things that we were trying to cover, and being we have such a wide Bill that was passed in this House to cover all these things under Regulations, why hasn't it been named

Hon. Lt.Cr. Kuyateh: Mr. President my information is that there is no rat problem at the Port at the moment. The Port Authority has been over the past three years using a chemical called "Aluminium" which kills rats: and my information is that the authorities at the Port do not consider that they have a problem and also the persons who spray the ships from the Mosquito Secretat and Control Unit have indicated that ships frequenting Lumley do not appear to have a problem of infestation with rats.

Mr. Charles A. Dumbuya: A further supplementary. Sir it is admitted that the MOH seems to be quite active on the arrival of the ships, why is it then that the ships have not been left's any disinfected against rats rodents and so forth that could be aboard, they could be much more dangerous than the mosquito. So's admitted it hasn't been done in a long time could we get an answer as to whether it can be done and also it will be done?

Hon. M.S. Bangura: Mr. President I'm sure the Member with his maritime background would know that there are most acting poisons available for use in disinfecting ships/Sodium Cyanide already, but this is equally dangerous to men and animals as it is to the rats. And it is impractical to disinfect a ship when it is loaded with cargo, if the cargo becomes contaminated, such items as cocoa to Cayman are we know having mixed cargoes for being box shuttle, and it would be very dangerous, this is why the most slower acting compound Trivalfuring / being used at the Ports. With three sessions fumigation by rats for about three successive days. If it was put on board the ship, the ship would have left port by the time the compound began to take effect. It and additionally it might have the effect of the ships are invested by rats it might have the undesired effect of causing them to come ashore in search of water rather than to remain aboard the ship.

Mr. Davis B. Booden: Mr. President a further supplementary. I can see that in the Sanitation Bureau they give a better chemistry lesson. Than they did in the maritime course. But certainly ships entering American ports with cargoes and so forth which usually have a lot of snakes in them, they're able to disinfect them and kill the snakes before the cargoes go ashore. Now in my opinion Sir, it would be fairly easy to leave a chemical of some kind in that banana that would kill the person that ought rather than to use a chemical that would probably go on just one or two of the stuff that is inside here. I think this is a very good session Sir, and these ships something should be done about it immediately so as that this problem is brought into control.

Hon. M.S. Bangura: Mr. President that was a statement rather than a question, but I have stated that my information is that there is not a problem, and I think that the onus rests on the Members to prove that there is a problem, which we have'n been proved yet.

Hon. Joseph N. Momoh: Mr President we're not operating under the Napoleonic Code, the onus is on Government to do something, because Government is the people, and Government is who must take care of the people. The

MR. CHARLES W. BODDEN (continued): I'm asking the Member does he envisage his department anywhere in the future doing such a thing to remedy this situation; and I will put a further question to him so he'll have enough time to answer most of that, whether he is planning that any time in the near future to institute proper quarantine practices against the ships arriving in our waters?

HON. T.C. JENKINS: The last question is a new one Mr. President which I have no intention of answering. But I will answer the first part and in giving my answer to the first supplementary I told of the legislation which would enable something to be done, but I am not giving any blanket undertaking in this respect Mr. President because until such time as it is proven that there is a problem and surveillance has not indicated that there is a problem, I do not therefore intend to take any action until such time as our surveillance indicates there is a problem. But I would further mention that the distinction which the Member refers to in other ports is applicable also to the ship when it arrives in the Cayman Islands. There is something on a ship called a valid D Sat Certificate, and as long as a ship has this it is reasonable to assume that the ship is free from rats and other vermin, and I think that the practice that has been accepted here is that once the ship has this valid certificate from a port in Florida or somewhere it is accepted that the ship is in a healthy condition.

MR. TRUMAN HILL: Mr. President if I'm permitted Sir, as the Member who first asked this question or rose, and the Member says he's not aware of the fact that rats are swimming ashore to the waterfront, or coming on by ships. I would like for him to remember that we had to get a man from England here to rid the waterfront of rats and it is also becoming an increasing since his absence.

MR. SPEAKER: I don't think that that is a question.

MR. J. MILTON BODDEN: Is the Member satisfied with his lack of knowledge as indicated by his answer?

HON. T.C. JENKINS: Mr. President if that statement was correct I would say that the Member should be well satisfied, because I made it quite clear that I have had information from the Port, I said that the Port Superintendent does not consider that we have a problem. I further stated that the MRCU has visited each ship that arrives there and they do not notice any rat problems. So I don't see how the Member can indicate that there is a lack of knowledge on my part or on the department's part.

MR. J. MILTON BODDEN: I'm not arguing Mr. President, but the answer says it is not known, to me that is a lack of knowledge.

HON. T.C. JENKINS: Mr. President I'm sure the Member knows quite well that it has never been the practice to disinfect ships in the Cayman Islands, and I doubt if one ever been done against rats.

MR. JAMES M. BODDEN: Mr. President a further supplementary. Ships come in here evidently could be carrying rats and I wonder whether the Member will advise us whether in the future each ship arriving in our waters will be properly checked to determine they have proper certificates of health instead of any one waiting two to three days before anyone ever checks this out. Would he advise us whether the old system will continue to where sometimes a boat is here a week before anyone ever checks it, or whether he in his capacity will see in the future that this can be done because it might help us rid these of these rats?

HON. T.C. JENKINS: Mr. President I've instructed them on the matter into effect of the Port Authority Bill there will be a liaison or an effective means in the Public Health Department and the Port Authorities working hand in hand on the arrival of ships.

MR. CHARLES MIFSUD: Mr. President may I ask question Sir. The Member emphasized strongly on the inspection carried out by MBCU as regards to records, and I am sure that rate are not implemented, but sometimes are inspected by MBCU in their search on ships. Now I would like to find out if MBCU is carrying out an inspection on rate and enquiries at last association alone?

HON. A.C. ERRIGO: Mr. President, I would have thought the Member was well aware of the functions of the MBCU because I be into the Member himself, I don't know in what capacity, but he does in some capacity spend quite a bit of time on the dock or on the staff. And I have at no time indicated that the inspection by the MBCU is for rats. I have said they have not noticed.

HON. D.V. MYRTLE: Mr. President and Honourable Members the next question is directed to the Member responsible for Communications and Works in respect of broadcasting. The Member for Communications and Works is responsible for the setting up and the technical aspect of it, but the broadcasting section I am myself, so I will be answering this question instead of the Member.

MR. JOHN JEFFERSON (Commissioner of Mgoi Gozo) to ask the HON. D.V. MYRTLE, CBE, JP - CIVIL SECRETARY - FIRST OFFICIAL MEMBER.

IN VIEW OF THE RELIGIOUS BACKGROUND OF THE PEOPLE OF THESE ISLANDS AND WHICH IT HAS BEEN INSTILLED THAT THE BROADCASTING STATION MIGHT COMMENCE OPERATIONS DURING THE LATTER PART OF 1975 WILL HE KINDLY SAY WHAT STEPS WOULD BE TAKEN TO ENSURE THAT THE PROGRAMMES TO BE PRESENTED OR SPEECHES WILL BE GEARED TO THE NATIONAL GUIDANCE, MEDITATION, SACRED MUSIC ETC., RELATIVE TO THE PEOPLE'S BELIEF FOR ENCOURAGEMENT OF THIS NEW TRUST

ANSWER:

IT IS ENVISAGED THAT THE PROGRAMMES THAT WILL BE ENCHIEF ON RADIO GOZO OR SATELLITE WILL INCLUDE RELIGIOUS SERVICES, SACRED AND CLASSICAL MUSIC, DRAMA AND TALKS ON OTHER SUCH SIMILAR SUBJECTS. IT IS CONTEMPLATED THAT NO PROGRAMME THAT WILL BE DEROGATORY TO THE TENETS OF THESE BELIEFS WILL BE TRANSMITTED.

IT IS NOT POSSIBLE AT THIS TIME TO GIVE A DETAILED PROGRAMME AS VARIOUS ORGANIZATIONS WILL HAVE TO BE CONTACTED FOR MATERIAL. AFTER THE DIRECTOR OF BROADCASTING HAS CONTACTED AND COLLECTED THE MATERIAL A DETAILED PROGRAMME THEREOF CAN BE ARRANGED.

MR. G. BORG OLIVIER: A supplementary question. While a detailed programme is not available can the Member say if it is intended that live broadcast will be made from some of the churches?

HON. D.V. MYRTLE: It is hoped that it will be possible to do so, this is what we would like to do

MR. SPEAKER: Or by the next question.

HON. D.V. MYRTLE: Mr. President and Honourable Member the next question is again from the Second Member from Gozo Ivy, and this is directed to the Member for Education, Social Services and Labour. Again as this touches on immigration and the Immigration Department I will be answering it.

re: JOHN JEFFERSON (CONSTITUENCY OF WEST TORY TO ASK THE HON. D.V. WATLER, ETC., MP. - CHIEF NEGOTIATOR - PUBLIC SERVICE MEMBER

IS IT KNOWN THAT THERE IS NOW A PERCENTAGE OF UNEMPLOYMENT IN THESE ISLANDS AS HAS BEEN EXPERIENCED IN THE PAST THAT IT HAS BEEN NECESSARY IN THE PAST TO EXPORT PERSONS FROM OVERSEAS DEPARTS OF THE MINISTRY OF LABOUR FORCE; WITH THE NUMBER SAY WHAT BEFORE ARE BEING MADE OF THE IMMIGRATION ORDINANCE TO ATTEMPT THE UNEMPLOYMENT OF CARPENTERS.
IF THE ANSWER IS IN THE NEGATIVE AND SINCE THE PUBLIC WORKS DEPARTMENT HAS EMPLOYED MANY EXPATRIATES AT LABOURERS, CARPENTERS AND MASONS WITH THE POSSIBLE SAY WHAT STEPS HAVE BEEN TAKEN TO SEE THAT PREFERENCE IS GIVEN TO CAYMANIANS IN FILLING THESE POSTS.

ANSWER:

THE CAYMANIAN PROTECTION BOARD IS VERY CONSCIOUS OF THIS PROBLEM AND IS CONSTANTLY WATCHING THE SITUATION. AS THE FIRST STEP THE BOARD HAS NOW IMPOSED NEW RESTRICTIONS ON NEW EMPLOYMENTS TO BE BROUGHT TO BEAR ON THE CONSTRUCTION INDUSTRY. SECONDLY, THE BOARD IS ONLY ALLOWING SUCH PERMITS TO PERSONS WHOSE EMPLOYERS HAVE WORKS PROJECTS OF ABOUT FOUR MONTHS IN ORDER TO ALLOW THEM TIME TO COMPLETE THE WORK THAT THEY ARE NOW WORKING ON. THE CENTRAL PLANNING AUTHORITY HAS GRANTED PERMITS IN THE CONSTRUCTION AREA FOR ABOUT $11 MILLION, AND IT IS HOPED THAT THIS WILL ALLEVIATE THE PRESENT CONDITION.

IN RESPECT TO THE EXPATRIATES WORKING AS LABOURERS, CARPENTERS AND MASONS IN THE PUBLIC WORKS DEPARTMENT, THE ONES THAT ARE NOW WORKING THERE HAVE BEEN WITH THE PUBLIC WORKS FOR SOME TIME, AND SO MANY ONES HAVE BEEN TAKEN ON DURING THIS TIME. THE SPOTTS DRAIN HAS A CERTAIN AMOUNT OF DRAINS TO BE COMPLETED AND IN ORDER THAT THE LABOUR CAN NOT BE ESCALATE, IT IS IMPERATIVE THAT THEY SHOULD BE KEPT ON FOR THE PRESENT.

MR. JOHN JEFFERSON: Supplementary Mr. President, is this answer given based on the construction field or has secretarial and domestic also been scrutinised?

HON. D.V. WATLER: Those in the new class have been looked very carefully too, but the Board has started on this in order to see whether they can alleviate the position.

MR. JOHN JEFFERSON: Is Government also aware that there is quite a number of girls in the field of secretarial work that are also unemployed?

HON. D.V. WATLER: I'm afraid I'm not sure of that, I would have to check that out with the Board.

MR. CHADDOCK EBANKS: Mr. President I don't know if the Member is quite true his answering the question that there's no new permits granted, while that could be true why turn that those that have a work permit should continue to work on jobs and the locals be laid off.

HON. D.V. WATLER: In the answer that I gave, the Board has only renewed their permits for four months there about, its not more than four months, some in three months, some in four months, in order to allow those jobs that are on the way and that they have been engaged in to be able to complete them, or to make other arrangements for other people to come on, I'm saying that when they've given the job, they have allowed some of those to continue on for four months.

MR. CHADDOCK EBANKS: Mr. President I don't understand the answer from the First Official Member, saying that they would close down the job when we got so many people then out of a job of our own local people - Caymanians. If they're out of a job and the expatriates have to be taken off

MR. LEACOCK BROWNE (CONT'D): the job are want true, its a Caymanian to fill the job, so the job won't be closed down.

MR. JOHN MCLEAN: Mr. President, could the Member state to say what percentage of workers in the field of construction in the Public Works Department - what is the ratio of Caymen native local?

HON. D.V. MILLER: At present in the Roads Section of the Public Works Department there are forty two Caymanians and ten expatriates. And the Road Programme there are fifty seven Caymanians and four expatriates, and in the Capital Building Programme forty three Caymanians are twenty five expatriates. This is the place that they say that the Public Works had these Capital Building Projects on that they were trying to get through.

MR. CLAYTON FOLL: Mr. President if I'm permitted Sir, I understand the Official Member to say that these permits are renewed for four months, my question will be asked if there can be an extension after the four months have expired it work is not even available?

HON. D.V. MILLER: Yes, there might be extensions to that four months period, because the Board is watching it very carefully, and if there are Caymanians willing and able and ready to work then it will not end but it may be not then that might have to be extended again. But as of now they're not thinking of doing so.

MR. LEACOCK BROWNE: Mr. President my question earlier was why lay off a Caymanian off of the same job and keep on an expatriate, then for his work permit to be renewed for the job to continue, and the Caymanians to be out of a job, that was the question I asked awhile ago, and I haven't got the answer.

HON. D.V. MILLER: I did not understand that question, I thought you were making a statement at the time, I'm sorry. But again I am not aware of that answer either, and I'm unable to answer it, except the Board is as I said is watching this very carefully, and it's depending on the Board to give me the information, and I don't know if the Board is cognizant of Caymanian being laid off and expatriates taken in.

MR. JOHN MCLEAN: Mr. President another supplementary. Can I take for granted then that the Board has the proper authority in taking cognizance of the number of young people that will be graduating from school this summer in relation to the labour market?

HON. D.V. MILLER: Yes.

MR. LEACOCK BROWNE: Mr. President this is not a question, but I feel that this is a matter that this Government needs to go in thoroughly to get the pros and cons cleared up with the labour with our people in this Island.

MR. PRESIDENT: We'll proceed to the next item on the Order of the Day - Government Business - Bills.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1978

LEGAL: THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1978 - INTRODUCTION AND FIRST READING

MOVED BY HON. D.V. MILLER

SECONDED BY HON. G.E. HALLIGTON

QUESTION PUT: AGREED: BILL INTRODUCED FOR FIRST THIRD READING

THE HIGHER EDUCATION (TOKYO) BILL

CLERK: THE HIGHER EDUCATION (TOKYO) BILL - INTRODUCTION AND FIRST READING

MOVED BY HON. L.O. BARROW
SECONDED BY HON. E.V. MILLER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE HIGHER EDUCATION (TOKYO) BILL - SECOND READING

HON. E.O. BARROW: Sir, As stated in the Memorandum of Objects and Reasons the/Bill to authorize the Governor in Council to raise a loan not exceeding fifty thousand dollars for the purpose of lending loans to students for the purpose of pursuing approved courses of higher or technical education, and it is intended to raise this loan from the Caribbean Development Bank.

Members have been for sometime aware of the negotiations that have been going on between Government and Caribbean Development Bank in this regard, and it is regrettable that it has taken this long to conclude the agreement, but there is now complete understanding and the agreement is ready for signature once this law has been passed.

The money will be loaned to Government for on landing. As aforesaid, the executing agency will be the Education Council under the Education Law, and the Council will be required to establish priorities and advertise these and deal with applications on the merits when they are received. The money will be made available to Government at something like four percent, as I said, be/ it will be lent to students at a rate of six percent, the two percent covering the administrative charges. Repayment will not be required to commence until after thirteen months after the date on which the recipient of the loan has completed his education, and the loan will be repayable over up to ten years. This is basically the areas of interest I think in the agreement Mr. President, it is hoped that we can find persons to use this money, and it is my wish that we will one day be back here asking to increase this sum so that we can assist others. I'm hopeful that the project will be so successful that we will need to borrow additional amounts.

At this point I would like to commend this Bill to the favourable consideration of Members.

SECONDED BY HON. E.V. MILLER.

QUESTION PROPOSED: THAT BILL BE READ

HON. ARNETT H. BOBIGH: Mr. President and Members of this House what I would say this is a very commendable bill provided it is used right. We have always heard it said Caymanians are uneducated, if they had some education they could do this and that. I will turn to explain what my Honourable colleague from George Town said a former Administrator, it is a sad thing that Caymanians are uneducated, because with their commonsense if they had education they could rule the world. And I would not go that far to say we could rule the world, but I'm saying this that in our uneducated manner we have come forward a long way, but it is only now with so very educated people around us giving advice that we are getting well muddled up. I am saying Sir I really commend this Bill provided it is used for the best interest of Cayman Islanders.

I would like to see our Islanders in such a condition that we did not have to borrow the money. But I suppose now in this day and age borrowing of money has become a disease, and here we have all of us want to support our scheme. Well if this is used for the purpose of which it is said it will be a good thing. But my fear is this

Miss Annie M. Temple [illegible] when we have educated these Caymanians who — they may be, unfortunately I won't have any in the House, it will be as usual certain straightjacket I must say on the jobs they take. We have educated three or four very qualified and competent people, we have educated a man who I would say has competence enough to be our Attorney-General or Judge of the Grand Court. Nevertheless he had to quit Government because of the quibble over paying him a measley fifty or a hundred pounds which had to be paid for an experienced which took his job, that's number one.

We have a dentist second to none and I have heard it here, not in this Chamber the old man isn't also Members grumbled because he was asking for thirty pounds additional per tooth, which they would have to pay on constables' and they had to pay the experience the fifty pounds plus house allowance. Not simply because he was a Caymanian he was put down. I'm not saying he's not better off financially, I am saying that our Government in the past has used ways and means to deprive Caymanians of holding top-notch jobs. I would refer to the only Caymanian barrister who was educated and is quite qualified to do a good job, but Mr. President when this Country was ripped he was then the acting Attorney-General, and although his name was on the programme he was not even allowed to sit in that chair. So that is what we do our own people, and I'm saying this Sir, that when this Bill becomes law, I don't know who will be to the happy recipients of this loan, but I'm saying this, that they must have this known with the understanding that when they return here to this island educated in whatever field it may be that they're not put at the foot of the ladder, nor are they handicapped as has been done in the past. That they be given every facility provided of course they have the knowledge to take the job for which they have been educated.

I'm saying Mr. President that in being in the hands of the Education Council, I hope whoever the Members are. I don't know will not be partial, and if Annie Baldwin has a son or a daughter or they like Annie Huldah Watler, or they've stole it me, or they love me, my son or daughter will get the privilege. But it should be Cayman, and his son and daughter and they haven't got that work permit, and they're denied this privilege... I am saying this Bill when it becomes law must be for all and sundry. There must not be the apple shine given the privilege, and the iron-rodden kept while they can.

Mr. President I have always advocated that if I had a son or a daughter, who was brilliant enough to have an education by getting a scholarship, that if I was really a loyal person to my conscience and my God and my country, I would take the money that I would have to pay for his or her education to devote it to some poor child who hadn't got that privilege. Now that mustn't prevail in our island Sir, the fact is those who get them get them, those who have nothing get nothing. And I'm sincerely hoping when this Bursaries Law, which I'm sure it will that when these students come back after thirteen months, after the completion of his or her education that they will not be deprived the right of functioning by being told, well you must have the most, you can't get this additional increment, you're only new in the field you haven't got any experience, we are going to appoint an experience person to do the job. And you learn under him. That is not what we want, we not what I'm opposing in this law Sir, I'm warning that if whoever it may be is qualified to do a job because they're a jack or white or pink or green, because they're a soldier or an Imarks it whatever they may be, there shall be no discrimination.

I feel that we in the past Sir have made things very hard to known people who we have educated. We have educated teachers by the scores, and hardly anybody is fi ing the job, you ask them what is the reason, they would say this that and the other, and unfortunately most of them are men and women enough to state the real reason behind they're leaving Government jobs. Now I feel that is not good enough, they must be loyal when they borrow money, they must expect they have to return it. They must take the best of their knowledge, and try to learn something to cure this complain. We hear about these graduated Caymanians. And I

HON. JAMES M. BODDEN (cont'd) hope sir that it will be no bickering here over this, I'd like it will be put in execution, or at least I hope so. And when these gentlemen who I hear so much about, some of them will take advantage of this after / the Government is taking at a sacrifice I would say, and I hope they will take good of it. Thank you sir.

MR. JAMES M. BODDEN: Mr. President, Fellow Members, I'm very proud to see that our Government is taking such a step as is presented to us here today. But before I begin my debate this Mr. President I would like to quote the words of what Walter Bagehot who said that one of the greatest pains to human nature is the pain of a new idea. You may wonder why I quote him Mr. President, but the reason for it is that, I never expected while sitting on this side of the House in the minority to see a Bill like this, introduced to the Assembly. Yes, you can clap, you'll clap later; because my colleague and myself have championed this from the time we went into politics. And I'm thankful today to be able to stand here and say that this is a part of the Manifesto that we campaigned on in 1972, and I am hopeful that it will pass today and I'm sure it will pass.

Education as one of the most important things for any country. It is the most important point in the development of any country. We cannot develop this country unless our people become educated. Over the years a lot of us have had to struggle in the world to make something of ourselves, we've had to do it because we didn't have education. I am not about to stand here and say that education is the only attribute a man should have, because I too have been associated with many people who were so educated that they needed a one shilling basket to carry their degrees around in, and yet for the lack of ambition and commonsense they could scarcely do even abdominal jobs. So education is not the only answer. But I am glad to see this departure, because in the past I have heard that certain members of Government had said there was no need to establish in this island a school of higher education. So if that policy was going to be pursued then we must help the people of this island to send their children abroad, because many of them cannot afford the high cost of education in some of the other countries of the world. So if our policy is going to continue to be that the Cayman Islands should not have an institution of higher learning then Mr. President this is the only answer to it, and my criticism of it at this point would be that it is too little and late, more to say it's not one late. We have repented in the past in my opinion many times in regards to the Department of Education, and I hope that today we have seen the evil jilted from the eyes of the powers that be and that [illegible] is going to change.

Mr. President one section of that I do so believe I would heavily support was its reference to the terms and conditions being set by the Education Council. My honest opinion where I object at this point is that these terms and conditions should be specifically laid down by the Legislative Assembly which represents the people of these islands. Mr. President there has been much concern for people to gripe in this island concerning the actions of the Education Council. If anyone should doubt my words I'm sure that there are many records available to the public which can substantiate what I am saying. I am afraid Mr. President that if the Education Council is left to handle this we will find that Mr. Brown's son is treated fairly. Mr. Brown's son will be pushed down into the gutter. This is nothing new to the ears of this Chamber Mr. President, because I'm certain they've all heard it in the past. We've had too many cases of where policy of this nature was taken on individual cases rather than being taken on the Administrative level to the point where every 'i' was crossed and every 't' was dotted.

MR. JAMES M. BODDIE (CONT'D): We have had in this system, Mr. President what is commonly referred to as the two pot system. That phrase may be new to the books, but I'm sure it is not new to some of the new going on in this place. We do not want that to continue Mr. President. If we must borrow this money from Caribbean Bank, and we must meet the interest and the principal. I was hoping that when this Bill was circulated to us it would have given us a little bit more information concerning this particular loan, telling us the terms, how many years to pay back and the interest and so forth and so on. We have just been told the interest on it, and that sound quite nominal, but I believe that if we are going this far we should go a little bit further. I would like to see us initially make a loan of at least two hundred and fifty thousand dollars, so that we could have as many kids as can qualify, go abroad and train. At the cost today it doesn't take you long to figure that fifty thousand dollars is probably only going to educate five children. And Mr. President going back to what I said awhile ago, who will these five children belong to?

I also Mr. President feel like our Government should not try to make an additional two percent and interest on these loans, because we are doing something for the good of our people in the future, and the littlest thing that we can do is to ease the administrative cost of this loan. The two percent may not sound like much, but if a young man has to go away from this island to train to be a doctor, it's probably going to take him anywhere from five to seven years to complete that course. It is going to cost quite a bit of money, and when he comes back here to work the people is not all that high as I would like to see us be a little bit more generous and let this loan go to the person borrowing it for his education at the same rate as we pay Caribbean Bank.

Mr. President I recently came across a Report which was sent to me from the Finance Department of this Government. I must admit that with all the other Bills and laws and so forth that we've had to read in the past couple of weeks, that I have not spent the time on this particular document that I would normally have liked to have done. So I apologize if I'm in error on any of my figures. What I noticed from this report Mr. President that in 1972 we had I think thirty-three persons taking training in the field of higher education, this is in varied different fields. But I noticed Mr. President that under our present administration that in 1972, 1973 and 1974 each of those particular years we have seen a decrease until 1974 it is down to only nineteen students placed in the field of higher education. Mr. President something is wrong, something is wrong some place when in a three year span we have experienced that upsurge by 57.57% of people who were studying abroad. I cannot believe Mr. President that the mental faculties and the brains of the kids of this island has deteriorated to that extent in the past three years, that we cannot produce as many children abroad in seven or less. There has to be a particular reason for this Mr. President, and I am hoping that this entire school system will be checked out to determine where the fault lies. The results have been terrible, and unless we get better results from the Comprehensive School we cannot send people abroad to study, because every year we will have less and less of them qualifying. And unless they qualify from the Comprehensive, I do not believe that it is any sense to send a student for higher education in the rest of the world that they can qualify for entrance exams.

So Mr. President this is a very serious matter, we must look into it, we must remember the words of the Honourable Member also he said that the youth of the nation are the leaders of posterity. This is what we see looking for Mr. President, and it's incumbent on each and everyone of us who are elected on this House or who has the privilege of sitting in this House to make this a priority matter that a complete investigation is made to determine what is happening in our school system. What is wrong, and the minds of the children deteriorating at the rate of roughly 19% a year? Because if that is that is true Mr. President in the next five years the brains of the children of these islands will have retarded

MR. JAMES M. BODDEN (Cont'd): on the point that they will only have about five percent brain power. We cannot allow this to continue, it may be in the food they're eating, or it may be something else, but we must determine what that something else is.

So Mr. President in winding up I will say that I support the Bill, I only hoped it would be more money, because if we are going on bended knee to we usually have to go to Caribbean Bank, then your knees may get scratching overtime. I would also like to say if the Members of this House will reconsider to put the power where it should be in regards to the administration of this loan. And even if that point is not seen, I hope that whoever is responsible for this will have the gumption in him heart to his fellow man to see that each applicant under this loan is dealt with fairly and squarely. And the last point Mr. President, I know it is difficult for the Members on the other side to bring this forward because knowing it was something that my colleague and myself had so long championed, but as we could not do it, I give them all the credit and I thank God for the benevolence in their hearts. Thank you Sir.

MR. CHARLES WIGHT: Mr. President I can assure you I'll be very brief, I see another Member wanting to say a few words on this Bill.

I rise in support of this Bill because me, while looking at the Memorandum of Objects and Reasons, this Bill seeks to raise a loan not exceeding fifty thousand dollars for the purpose of financing students of pursuing a course of higher education.

We are aware in this island that education plays a very vital role in any developing country, and if Cayman is to develop as we would like it I think that education should come first. We heard at the introduction from the Member who introduced this Bill the rates that the loan will be paid back at, we also heard the time of commencement that these rates will be paid, and I think it gives us food for thought. I do hope that the financing of students in the Cayman Islands for a higher education will be given even more thought as we go along in this House, and more students will be made capable of obtaining a higher education. One thing that bothers me is how patriotic those returning to the islands will be, this is something that must be answered. Leaving the Cayman Islands and seeking further education in other parts of the world you have met with quite a big change. You're confronted with many obstacles, and many incentives which lead you not to return to your homeland, or more to work in your homeland.

The question arises where do we go from here, let us not bury our thoughts just as much motive we must extend our feelings regardless of colour, class or creed. We must live accordingly to the circumstances which surround us daily. And Mr. President I think that fifty thousand dollars for the financing of students for a higher education is not sufficient. But as I have said we are living according to our means daily, and the issue at this moment has already outlined it, and I fully support this motion Sir. Thank you.

MR. JOHN JEFFERSON: Mr. President, Honourable Members I rise in support of the Higher Education Loan Law. I want to say how happy I am to see this loan before before us for such a worthwhile entity exist for the people of these islands. To speak whether we want to admit it or not that the Cayman Islands Government is lackadaisical about the education of its youth.

There is only one concern of mine that I want to express, and I'm not expressing it purely because of this lending rate of education. I'm expressing it because of the fact that it is necessary as we go on doing our daily chores. As far as Government expenditure is concerned there is only one concern of mine, and that is it would be less than responsible of us not to make our people aware of the fact that as we live in a world today where we are expected to provide more and better services, and more and better services we must provide which we shall provide. It is also a fact that we must also be aware that the revenue of these islands also at this present time has a limited amount.

Mr. Speaker, Sir, quite frankly we have had in this system Mr. President what we in essence commonly refer to as the two pot system. That phrase may be new to the Senator, but I'm sure it is not new to some of the men going out in this place. We do not want that to continue Mr. President. If we must borrow this money from Caribbean Bank, and we must pay the interest and the principal. I was hoping that when this Bill was circulated to us it would have given us a little bit more information concerning this particular loan, telling us the terms, how many years to pay back and the interest and so forth and so on. We have just been told the interest on it, and that sound quite nominal, but I believe that if we are going this far we should go a little bit further. I would like to see us initially make a loan of at least two hundred and fifty thousand dollars, so that we could have as many kids as can qualify, go abroad and train. At the most today it doesn't take you long to figure that fifty thousand dollars is probably only going to accommodate five children. And Mr. President going back to what I said awhile ago, who will these five children be any too?

I do so Mr. President feel like our Government should not try to make an additional two percent and interest on this loan, because we are doing something for the good of our people in the future, and the littlest thing that we can do is to bear the administrative cost of this loan. The boy peasant may not appeal like much, but if a young man has to go away from this island or trade to be a doctor, it's probably going to take him anywhere from five to seven years to complete that course. It's quite an expensive course, quite a bit of money, and when he comes back here to work the scale is not all that high; so I would like to see us be a little bit more generous and let this loan go to the person borrowing it for his education at the same rate as we pay Caribbean Bank.

Mr. Speaker, I recently came across a Report which was sent to me from the Finance Department of this Government. I must admit that with all the other bills that have and we thank that we've had to read in the past couple of weeks, Hon. I have not spent the time on this section as doorknob that I would normally have liked to have done. So I apologise if it's in error on any of my figures. What I noticed from this Report Mr. President that in fact we had I think three students abroad taking training in the field of higher education. This is my period information goes. But I noticed Mr. Speaker that under our present administration that in 1972, 1973 and 1974 that in those particular years we have seen a decrease until 1974 it is down to only fourteen students abroad in the field of higher education. Mr. President something is wrong, something is very very wrong when in a three years' span we have dropped from seventy by 57.5794 of people who were studying abroad. I cannot believe Mr. President that the mental faculties and the brains of the kids of this island has deteriorated to that extent in the past three years, that we cannot continue to have more children abroad instead of less. There has to be a particular encounter this Mr. President, and I am hoping that this entire school system will be checked out to determine where the fault lies. The results have been terrible, and unless we get better results from the Comprehensive School we cannot send people abroad to study, because every year we will have less and less of them qualifying. And unless they qualify from the Comprehensive, I'm not talking that it is many schools of higher education in the rest of the world that they can qualify for entrance exams.

So Mr. President this is a very serious matter, we must look into it. We must remember the words of the Imperial Man he said that the youth of the nation are the trustees of posterity. This is what we are looking for Mr. President, and for one I am and everyone of us who are elected to this House or who has the privilege of sitting in this House to make this a priority matter that a complete investigation is made to determine what is happening in our school system. What is wrong, are the minds of the children deteriorating at the rate of roughly 19% a year? See now if this is what is true Mr. President in the next five years the brains of the children of these islands will have atrophied

MR. STEVEN V. BODDEN (CONTD): on the point that that will only have about five percent brain power. We cannot allow this to continue, it may be in the food they're eating, or it may be something else, but we must determine what that something else is.

So Mr. President in winding up I will say that I support the Bill, I only hoped it would be more money, because if we are going on needed that as we shortly have to go to Caribbean Bank, then lend your hands and get something worthwhile. I would also like to see if the Members of this Honse will consider to put the power where it should be in regards to the administration of this loan. And even if that point is not come, I hope that whoever is responsible for this will have the generosity in his heart to see that each applicant under this loan is dealt with fairly and squarely. And the last point Mr. President, I know it is difficult for the Members on the other side to bring this forward only knowing it was something that my colleague and myself had so long championed, but as we have not to it, I give this all the credit and I thank God for the benevolence in their hearts. Thank you Sir.

MR. CRAIG HILL: Mr. President I can assure you I'll be very brief, I see another Member eager to say a few words on this Bill.

I rise in support of this Bill before us, while looking at the Memorandum of Objects and Reasons, this Bill seeks to raise a loan not exceeding fifty thousand dollars for the purpose of financing students of pursuing a course of higher education.

We are aware in this island that education plays a very vital role in any developing country, and if Cayman is to develop as we would like it I think that education should come first. We heard at the introduction from the Member who introduced this Bill the fact that the loan will be paid back at, we also heard the time of commencement that these rates will be paid, and I think it gives us food for thought. I do hope that the financing of students in the Cayman Islands for a higher education will be given some thought as we go along in this house, and more students will be made capable of continuing a higher education. One thing that bothers me is how patriotic these returning to the islands will be, this is something that may be considered. Leaving the Cayman Islands and seeking further education in other parts of the world you have met with quite a big change. You're confronted with many obstacles, and many incentives which lead you not to return to your homeland, or come to work in your homeland.

The question arises where do we go from here. Let us not bury our thoughts just on one matter. We must extend our heritage scholarships of colour, class or creed. We must live according to the circumstances which surround us daily. But Mr. President I think that fifty thousand Dollars for the financing of students for a higher education is not sufficient. But as I have said we are living according to our means daily, and the mover of this motion has clearly outlined it, and I fully support this motion Sir. Thank you.

MR. JOHN EVERGREEN: Mr. President, Honourable Members I rise in support of The Higher Education Loan Law, I want to say how happy I am to see this loan before house as for such a worthwhile worthy cause for the people of these islands. It shows whether we want to admit it or not that the Cayman Islands Government is concerned about the education of its youth.

There is only one concern of mine that I must express, and I'm not exposing it purely because of this dealing with education. It's exposing in because of the fact that it is necessary as we go on doing our daily chores. As far as Government expenditure is concerned there is only one concern of mine, and that is it would be less than responsible of us not to make our people aware of the fact that we live in a world today where we are expected to provide more and better services, and more and better services we must provide and we shall provide. It is also a fact that we must also be aware that the Revenue of these islands is at this present time is a limited amount.

MR. JOHN JEFFERSON (Cont'd): In the past Mr. President we'd never had any national debt, which we are having tonight today. Currently in the past we have done things on the basis of what we have, today we're doing things on the basis of what we need. And I'm glad that this Government is stable enough that expenditures of this nature is available to the people of these Islands.

Our budget this year for education was the largest budget in the history of the Cayman Islands. In other words the expenditure this year in education reflected in our budget was far higher than our whole National Budget was a few years ago. What does that say? It says that we see the need to educate our people, it says that we not only see the need but we are going to live up to our responsibilities, because we realize for our country to progress they must be better and higher education or better places of learning.

I am not at all surprised that a Bill of this nature is before us, I am humbly proud thank God that we are in a position today to be able to see a Bill of this nature before us, and I subscribe to the fact that we must continue to make more funds available for our people in our Government. The point that is made many times, is that we send people overseas they come back, and they don't work for Government, they work in private sectors. Mr. Speaker I may be happy to see a lot of them come back and work for Government no doubt, but the fact that they come back and provide a vital service to the people of these Islands, a service that would have to be provided from someone else from the outside, were they not educated to providing that service. Certainly we / must lose sight of the fact that there is always greener on the other side of the fence, but let's not lose sight of the fact that in many many fields there is far more money being earned in the private sector than they would be able to earn through Government.

I am happy to say that I take a great pride in the fact that a Bill of this sort is a Bill of the working of this entire House. The Bill is not brought by two individuals, the Bill is brought because of the number of elected Members in this House/think that they well aware of the needs of these Islands, and that the Members of this House are well aware of what we must provide capital to be provided for our people.

Mr. President I'm glad that this Government is able through the Caribbean Development Bank to be able to assist off on this Higher Education Loan, and I have hoped to be successful from time to time, and I look forward to the administration of this loan in no less time than it has been in the past. Just past two months I've been in particular one person back in my own district it we would say sometimes of pure no doubt of some of the poor families in the district, but through this loan an opportunity was given to her to go overseas to seek higher learning and I'm happy they now look forward vital success for this country, and to see that everybody as far as I'm aware of today have an equal opportunity of being able to obtain a scholarship as long as they have the qualifications.

I want Mr. President to say that as far as I'm concerned I support one hundred percent everything that is being done to benefit the people of our Islands. We are seeking to provide them with a better way of life, a higher standard of education. We are looking in every way possible as we to provide them with the amenities of any other community anywhere else in the world. I think our people are entitled to the best Mr. President, I believe that our people have the potentials if given the opportunity to live to heights of the people of any other territory, even though we're restricted to thirteen thousand people. I believe that the people of these Islands are capable if given the opportunity of providing any task here before them.

I want to say Mr. President in closing that this again is another happy beginning in our life as this legislature, it is again another step that the Government of the Cayman Islands is not asleep, and is not as much asleep as sometimes we tend to make it out. I support this loan Bill wholeheartedly, and I thank God for the opportunity of doing so. Thank you.

MR. S. ANIL BOODRAM: Mr. President I think the Bill before us is very commendable, and the way I have seen in the past how seldom give credit where credit is due. give unto the people all the accolades which they merit. It would be a good thing if Government could learn a lesson from me. You will remember only last month a motion was before the house asking for an extension to the Development Plan, a very good motion, but the Members who brought it were criticized, everything was done to cast aspersion on us. But I will not do that today, I know this is a good motion, and I will not hesitate into the future to get newspaper publicity.

Education costs money, but if you think education is expensive try ignorance. I see education as a means of increasing the standard of living of our people. I see education as a means of preventing or fostering juvenile delinquency, because make no mistake about it most crimes in the world are committed by people who have come from homes where there was a lack of education, and if we are to improve this country in all respects one of the things that we must use is the education of the young people. We're very fortunate in the Cayman Islands in that there are no uneducated people as we have in some of the other Caribbean countries. The standard of literacy is much higher in the Cayman Islands than it is in any other Caribbean Island. You many have say in Jamaica more people with university degrees, but you also have more people that don't know their own names, and so metaphorically we are more educated but not as uneducated as some of the countries around us. But we want more for our people, we do not want a community of only hewers of wood and drawers of water, we want people who can fill the top posts. If you study the Colonial History especially in the Caribbean, you will see that the old policy was to educate the people, but ask too much, never let them get up to where they can take the top jobs, never let them get up to where they can be leaders, never let them get up to where they can be rulers. But this attitude must change, and not only the Legislative Assembly but the newspaper, the public as a whole must change its attitude to education, and must see education as one of the accelerants for the salvation of this country.

I never like to get personal, but I must give you one example, because it hurt me very much. In 1972 when the worthless newspapers were trying to destroy me, they wrote a very degrading article speaking about my Chartered Life Underwriters degree, which I had spent [illegible] the only one in the Cayman Islands. And they wrote in that newspaper article that it was only a correspondence degree. This is the stage to which we had fallen, when responsible newspapers would degrade people who has worked hard to further their education. And although this degree is the same as the one of the Institute of Banking, it can be done, and mine was done by a correspondence course from the University of Toronto. Yet the attitude of the public, and the attitude of the press towards education in this island was so low at the time that they would speak disparagingly of such a high degree. And it is up to us to change the attitude of these so good people who would speak ill of education; and so any Bill to further the higher education of the people of the Cayman Islands as I have my full support.

I will not go into how this will be administered, it we find that there is not administration later on we can correct it. I part with my colleague in saying that but that I have lived to see the day when this Government will accept something that was in the P.A.C.T. Programme. Because although I was not a signatory to that manifesto I was satisfied with having endorsed this, and if this was a part of it, I will say thank God that I endorsed it lovingly.

The Members getting forward the Bill has given us a clear picture of how it will operate. The students will be expected to pay interest on the loan, and I think that is right. We shouldn't give them the money for nothing, because they won't appreciate it. They should pay interest, and I noticed that the suggested figure is half of the commercial rate which is very commendable; and also that they will be given one full year after they start to work before they have to make the repayments. You could not ask for that and you could not get better conditions anywhere else. And I support this whole-heartedly, and I trust that the Education Council will do its best to see that the loan is divided amongst the people that merit

MR. G. HALL SMITH (Junior): ...but we have to take a very close look at our educational system. In a communication which came across my desk this week, there is a recommendation for Caymanians to be entitled to lawyers, and in that communication somebody has suggested that the clock in the Senate should have four or five 'O' levels obtained in one sitting of the examination. This would automatically preclude ninety nine percent of the children that come from our school, because while we will have many people next year you won't have too many children with five 'O' levels or three 'O' levels obtained in one sitting. So we have to raise the standard of the school if we are going to raise the standard of education, and if we are going to have the people that will occupy these jobs. Now I do not know what standards will be set in regard to 'O' levels or 'A' levels, I do not know what will be the minimum number to be obtained in one sitting of the examination, but if the public, if the majority of children are to benefit from them it had better not be five subjects in one sitting. There are things that the Education Council is more equipped to work out, and I trust we can leave the details to them. I personally will watch the Administration, and from time to time we can always bring questions to find out how it is going. So we're not just dumping fifty thousand dollars of borrowed money on the market for people to have, this money must be equally divided amongst the students who merit it perhaps on a first come first serve basis. Also we must make sure that when the money is advertised that the students are not already ~~law~~ married for loans, this happens in many Government jobs, the post is already filled when the advertisement comes out in the paper. So here we want to guarantee that these things do not happen, there perhaps will be a review of administration only, but I think the time to press for it is now, and to bring it out in the open just as much. This does not, in special cases, so that worthy students especially at primary or sixth form institution, children of their parents will have the rights to reap the rewards of the benefits from this loan. Again I commend Government for putting forward this Bill, and I think they have done it in a manner which has been pleasing, and I give it my whole support.

MR. PRESIDENT: I shall suspend the debate and the proceedings at this stage until 2.30 this afternoon.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Proceedings have resumed, and we resume the debate on the Second Reading of The Higher Education Loan Law.

HON. V.G. MCKEEVA: Mr. President and Honourable Members I rise to support this Bill. Mr. President and Honourable Members while I have always supported free education in the Cayman Islands, I am nevertheless a believer that there should be a limit placed on the assistance which Government gives especially in the education system during the secondary level.

The proposal which is made by Caribbean Development Bank is in my interpretation a fitting arrangement for the system of the Cayman Islands, and I would think that it would very well alleviate the free scholarship arrangement with which Government had been involved for a long time, especially in account that also so much effort has been put in the field of Secondary Education. I think that individuals should be put in a position to help themselves and not always enjoying freedoms from the state.

Caribbean Development Bank has been established for a good many years, and the subject of sponsored loans by Higher education has always been on the agenda of the bank, for the Bank cannot implement all its proposals at one time. It must do so from time to time, and as funds are available. The schemes are pulled out one at a time, and they

HON. V.C. JEREMIE (continued): ...was put forward to the contributing governments to accept or to reject. This scheme came before this Government not very long ago, and from its very first introduction it was seen to be a most acceptable arrangement. The thought among Members of Government was I'm sure the same thought that was gone into by people at Commonwealth here today, but perhaps the sum involved might not be sufficient for the purpose for which it is required. However once there is the same system established then I am sure that additional funds or funds from other sources will be forthcoming. I am sure as I said before that this Government may also participate in such a scheme as to defer the scholarship provision in the annual Estimates and/or the concerted and cooperative idea this system, and be used for the purpose.

The matter of administration of the loan Mr. President is the overall responsibility of this Government, but because education is the subject of the education council administered under the Education Law of these islands, the administration of this loan is put under the authority of the Education Council. But the administration of the loan itself is governed by an agreement which will be signed between the bank and this Government, as the Honourable Member introducing the Bill mentioned earlier. As soon as the loan law is approved by this Government the agreement will be signed by the bank and this Government. And the Agreement sets out the various rules and Regulations governing the administration of the loan. It says under Article 4 Procurement - "except as the bank may otherwise agree, and subject to the provisions of paragraph (1) of Section 6 (2), Section 6 (3) is dealing with other conditions or sub-loans. "Sub-loans made by the borrower which is this Government out of the proceeds of the loan may be used to finance the cost of the expenses in specified fields of study only/educational institutions in the territories and states listed in Schedule 2 to this loan Agreement. And in schedule 2 it sets out the countries as stated in Section 4 of Article 4.

Again under Article 7 dealing with the Execution of the Project, it says that the borrower shall take all necessary steps to facilitate and ensure the performance by the Executing Agency, (the executing agency is the Education Council) of its functions under this loan agreement with due diligence and efficiency and in conformity with sound administrative practices. And in Section 7 (4) of Article 7 it says also, "The borrower shall require the executing agency which is the Education Council in the execution of the project to observe the spirit of paragraph 2 of Article 35 of the Agreement establishing the bank.

Paragraph 2 of Article 35 of the Agreement establishing the bank reads - "The bank, the President, Vice President, Officers and staff shall not interfere in the political affairs of any Member. Nor shall they be influenced in their decisions by the political character of the Member concerned. Only economic considerations relevant to the purpose and functions of the bank shall be brought to bear upon their decisions. Such considerations shall be weighed impartially in order to achieve and carry out the purposes and functions of the bank." That is the spirit which the Education Council must adopt in obtaining/entering the Agreement pertaining to this loan Agreement. And furthermore it must observe all the rules laid down in the Agreement which is signed or to be signed between the bank and this Government. Therefore I would say Mr. President that as far as the administration of the loan is concerned, there should be no doubt at all in the minds of any Member as far as that is concerned that it should be done in the highest of integrity.

The loan as I said before has merits/considerations - and I am sure that this has been expressed already this morning, and I only wish at this time to add my support as well. Thank you Sir.

MR. CHADDOCK BECOUE: Mr. President and Honourable Members it seems like the very most/appropriate that I could add to the debate on this Bill. The quite plain that Members/are ready/to vote. We on Cayman Brac over the many years have expressed our whole support to better education in our islands. It was somewhat the feeling expressed in the debate on this as it

Mr. Chairman, I am not certain whether applicants will be justly treated or not. I hope this doesn't come about, but they will be dealt with on their merits. Who needs first will be served first, providing applicants qualify for the loans. I'm for one getting somewhat tired of hearing people who are working for the Government being paid by tax payers money, that you're not educated, why try to say this or to do that. It's time that our people be fully educated, given the best opportunity to further their education, so that they will be able to run the affairs of their country.

We do have students that have gone away and come back, they've had their grievances and on many occasions their grievances were justified. They shouldn't be harassed only, what has been natural and to many of them. Who should money be spent on education or to educate a boy or a girl in a particular field when he or she comes back, and you take him and throw them in some other field where they didn't qualify for. Recently we had a student after four years of civil engineering came back, working for this Government and he's thrown now in a technical shop, that's not very good encouragement to any student. Then they say our people are disagreeable and miserable. You were only getting ten pounds or a few years ago, and because you can't be satisfied now with three hundred dollars. Now what they have qualified for, the teacher that they are qualified to teach, they ought to fill that and be paid what anybody else in that field have been paid. And I do hope, Mr. President that when we do get this organized that it will be dealt with through the administrative channels, so those who are responsible without fear or favour.

We have great hears something from the Prime Official Member as to the Loan Agreement, well that's all right to us Members. Personally I don't know why it would probably have been a good idea if Members had had some sort of copy or tape even if it was on a short notice, to see something about the Agreement. But nevertheless Members have given a steady wholehearted support to this motion, and I trust Mr. President our only support to all the way.

The sort of loans between Government and students and the loan and time of paying back, I don't think its unreasonable, if a student spends two, three years to further their education, and come back and start working for one year before they have to make payments. It gives them ample time to settle and reestablish themselves and to face what they ought to have. But as one Member said they should pay the same percentage as Government pay before, rather than charging the students six. I don't feel that it would be an everyday administrative routine catering to dealing with this, if you have two or three students, or five students but those that would involve this file-thereon-it are. It doesn't look like it would take that much administrative time among the offices that would realize a ten percent from the students as this. So I'm hoping that Government will further look into this, and ever try to waive even your payment then or sometimes. We know education is expensive, and to get where one would like to get then it would easy, and we think that this will all work out for the betterment of our young people, those who are really interested in furthering their education.

Mr. President I don't think that I should attempt/engage because as I said in the beginning it seems to have a great support, or a strong support from all Members on this. So I don't feel that its necessary to try to explain at to be quite technical points - what we will be dealing/with the actual term time be like, so I can only say that I will still have in my wholehearted support, and hope that it will prove a hundred percent success for the Government or to the interest of our young people. I Thank you Sir.

Capt. Hon. MPIO: Mr. President the Minister of the Mill Service is one of my colleagues in this country. Two of the others seeking behind, and one two or y one because those are several principles - running water and heavy equipment for the hospital. I'll deal with them later. But they'd the two most important things I'd like to talk about today.

CAPT A.J.P. REID (CONT'D): New education - I haven't been able to find out what is wrong, but I'm going to pay a little more attention to that when in the very near future, because I'll have more time. I've severed the naval string with Jamaica, and I don't have to go back there any more. And I hope to devote more time, but I will say this, that the last time I paid a visit to it, the school ground was an utter disgrace to any civilized country, absolute disgrace. Bark, cans, paper bags where the children eat down on over, let's right there, it was a garbage heap. I know we have good teachers. I understand we have our there with Bachelor degree and Masters Degree, and several fully qualified teachers, and I don't see any reason why these youngsters should not be well educated now, if they had the interest in it. And if their parents had enough knowledge themselves to see to it that they went to school, and that they behaved themselves properly. But may be that is one of the weak points in the children, their parents not having enough good commonsense to know what a good for their children. And I understand, I think I've said this here once before, that some parents had been to that school, lambasting the teachers, well that won't work, and I think the Board of Education should tell those persons to keep out of that school, they have no right there, and I'd bubble them going back if that is how they're going to behave.

I'm not glossing over the fact that we are borrowing money to educate anyone, but we /going to object to it, so much I'll give it my blessing. I don't want couple of hundred thousand dollars borrowed to educate anyone. I feel that borrowing money is a bad practice, especially for a government, with as more revenue to in sight than we have. I really don't know what the people wanted, they think that money just flows somewhere somehow, and that there's no end to it. I suppose we can content ourselves by saying well, we'll better off we can borrow money. New York can't even borrow money now, the banks have refused to lend them money, but we could get that way too, if we're not more careful. But anyway the school is a greater priority to me than the roads, and if we run short of money and we need money to pay these essential bills we could shut down the roads. We don't need better roads roads, it a good thing to have them, but they're not quite necessity. It a matter of fact if I had the hall say I'd put sleeping policemen half a mile apart. I would stop the speeding, if I didn't stop it by five rounds, I'd make it by fines. Those people don't think one have any right on the road, and I don't see much of a change in it. I've tried to block off some of my roads because we've built gates, walls, and tried to block off roads so that I could plant fruit trees and vegetables, and they have deliberately got out at their car and removed the blocks. Well I think I'll have to put something there pretty soon that they can't remove. I think what Lord Beaverbrook said is gradually true, Governments are great law makers if you don't give them too many laws to obey. Its the third time they've removed the blocks from my drive way that I don't want them to see.

Now I hope that the boys and girls who get this money to further their education will appreciate it. Mind you knowing that schools are not cheap anymore, it could only put five scholars to school for one years each, because I was speaking a few weeks ago in Canada for my grand daughter, and the school that she's proposing to go to is five thousand dollars per annum. So I don't imagine this England is much cheaper, in fact when you take the transportation in consideration it will probably be more expensive. But although they're borrowing the money they are paying a very small interest, that they will appreciate it, and that if the Government helps in any way they will give the Government good service when they return - that they'll work for the Government at least for three or four years to show some appreciation for their gift.

The Member for Bodden Town spoke about illiteracy. Well I'm a rather delicate line, where do you draw the line at it, anyway? We know that if a man can't read or write or spell his own name, he is illiterate. But by virtue of the fact that he can write his name and can read a bit, and can spell his name I don't think that makes him literate anyway. And I know what he said about our people is quite true, there're very few of them who cannot read, and perhaps write his name. But that isn't

Capt. A.A. Jefferson: ...family quite enough. And I think that particularly the boys have never had the urge, never had the interest, the desire to want an education. You look all around it ourselves, but I go up here and I see a beautiful school building, and as I said I think they have tried teachers also. There isn't a country in the Caribbean with better school houses than we have, and if our boys ask are getting education then it's just that they're plain dam lazy, and don't want it, because they're making too much money outside, not intent on having a good time instead of trying to be educated.

I remember when I was a boy we had probably I believe the best school in the Cayman Islands. We had a dear old maiden lady woman from Jamaica, a Mrs. Whittingham we had a Miss Robinson from England, and an Englishman as headmaster, all brought in by my family. And I had a sister who left that school and got into Columbia University with no problem. I thought when I left it I still did that I was equal to most businessmen, I knew I didn't have enough education to be a lawyer or a doctor, but I thought that I could meet the average businessman on equal grounds, and I think I have. And we had forty eight children from the island, and we had in teachers registered from Cayman Brac as well. But we had a little school house about twenty four by thirty six, and we were crowded in it sixty of us. Where people have a beautiful building, they have everything to be desired, and the Government is certainly spending enough money on education for them to get what they ought to get. But there is something wrong, what is it - you hear all sorts of rumours Mr. President about children hanging around outside after the school hours, and misbehaving generally, and in some cases not one have outside the fence. Well I can only say that that could never happen in a well run school with management. And I'm not saying it is the teachers, and I'm not saying it is the people who are responsible for education, but it is somebody, somewhere is wrong somewhere along the line, something is wrong there. I'll warrant you it couldn't happen in a good old fashioned School. Those children would be disciplined, and they would take some sort of that discipline too.

But we ought to find out where it is wrong. We have been lucky enough to get a building like those given to us. A lot of our people don't really know how that school came, if they did they wouldn't be talking about it anymore. But we can thank the British for that school, may be so! have to beg them for some more, because if they can raise about giving thirteen million pounds to Rwanda as I think they ought to give some of it to us.

I will say this that the school in Cayman Brac is doing well, and I was rather pleased to hear the results in the last term. They've got some very dedicated teachers there now, and one of them is English too, in fact two of them, what I meant to say, one is female and the other is male, and very nice people. It was one thing certain that if they can send teachers they won't be teaching any obscenities, there's one thing you can rest assured, that if you get a good English or a good Canadian teacher he's not going to teach any obscenities, so we should be very glad to have them. And all of those through peoples there give them to me and. I know we're on the subject of education, but with your indulgence sir, I'm going to speak a bit into the hospital.

MR. PRESIDENT: I don't think I can give you permission.

Capt. A.A. Jefferson: If you can't give me permission - well we'll go that on the Medical Bills. Well that's all I have to say about education. That's all I'll bother to say, there's plenty more I could say, but I'll keep some for the next time. Thank you sir.

Mr. W.H. Washington: Mr. President I too rise to support this bill. It is a great pleasure for me to do so. I have personally seen the great strides taken thus far to encourage our young people to desire to higher education, as a matter of fact I think this is the top priority of the Government at present.

MR. T.V. PARKINSON (Continued): It is all very well for us to say why this repatriate is doing this or going that where a Caymanian should have it. But the fact remains that if and until we qualify our young people into the arts and professions we shall always be in an inferior position. I don't think this needs as much long debate, but I do say that whatever we can do for education, that as I said is the first priority, and I do hope that these young people will take advantage of this, and will realise that until they become fully qualified that we shall always have to be importing people from abroad to do the jobs which rightly should be theirs if they were duly qualified.

I have in mind a young man who I may say is a relative of mine, but at the same time he's just enthusiastic about pursuing a medical education, went to the University of Ghana, and he's got full qualifications. He has made applications to the University in Jamaica, evidently they've got him on the list and as I said he has the qualifications, but of course that means that he has to come here and get all this - he's already pursued his credentials, and I'm sure there are many more that would explain to us the same things. But I feel that, that in the field of medicine for instance, how about time we get some more doctors of our own. Its time that we had that we are sufficient enough to qualify in medicine, and not only in medicine but in all the other arts and professions, then and then only shall we be in a position that we can branch out and say well guys we are. And I don't think there'd be any mistake about it, that if our people were qualified that the Education Council so far as I'm concerned - I think, since having heard all that has been said here today, I don't think we should worry about the education Ordinance, administering that thing in a right and proper manner. I don't think there should be, and I'm sure there will not be partiality in making these selections. So again I say I basically support any resolution for a loan that will help our young people. I thank you Sir.

HON. W.M. CONOLLY: Mr. President and Members, I think I should say just a few short remarks to this debate on the Second Reading of the Educational Loan Bill.

How much has been said on motivation and surrounding all the circumstances of equal opportunity and all that. Earlier Member did make a point, I think the Honourable Financial Secretary made this point about it was that should be considered rightly.

You need not this particular bill but more and in my opinion we should have had this earlier. I think that this Government has done more, or more-or-less to do more than most governments would have done, because up to the present time qualifying students Scholarships or persons have been given scholarships through the aid of this Government, and Her Majesty's Government. In our affluent society like the Cayman Islands if we want to call it so, it is surprising that we have so few if any scholarships from the private sector. And I think it is time that in this type of society that we have here that people should be able to carry some of the burdens themselves, and I think the provision of loan money for this purpose is something that is right by here. But if I could use a little to say on this, that whether it is provided by loan or whether it is a free gift scholarship or what, the end results of these appeals on the occasions. If the person who elects to borrow this money, or if the person who is given this opportunity of having higher education does not apply himself or herself, then I'm sure it's not going to work. And let me say this. That even though this is plain spelling, it is money that is going to be borrowed at low interest, and be look again at low interest.

One point has not yet been dealt into the debate and that, and I'm sure that there has to be responsibility who has to be responsible for this loan. I don't think the Government is going to lend the taxpayers money and for them to go out and not be responsible, and also the liability or security on parents or some responsible person. And today I think that this is one of the best providences of the law, because surely when parents are deceased, or guardians are decided that are going to see that

MR. R.W. COOLEY (CONT'D): these students are not going to waste that like how in so many instances has been done with scholarships that were given by this Government and by Her Majesty's Government. We have had some scholars who have returned, and I think we have had a good percentage of scholars who have returned, who have graduated, they have done well, and this point I think we should be brought back to recipients of this or any other arrangements that in qualifying for a particular discipline does not put one at the top of that particular discipline.

Mention was made of qualifications to article ship in the legal profession. I have a little bit of knowledge of this particular arrangement that is being worked out, and I agree that the quality of persons that are going to come out of this articleship will depend much on the quality of recruitment, the quality of educational standard that enters, and it is known as a common fact that we might be somewhat simpler if it goes through in articling students with less than 'A' levels qualifications. In the manner instead of Jessica I think the rule of thumb now is for one 'A' levels, and surely the qualifications to enter the university for an LLB degree is at/four 'A' levels.

Another point in debating/this is, the fact that Government has in the past granted scholarships to everyone that applied and was successful in getting/institutions of higher learning. But surely the time is coming when the Government will have to look after the disciplines that are most needed, most suited for the environment. And here brings in to/point what much has been said of lawyers and doctors, this has been the emphasis in the past and its very good. But I would like to remind Members, and I would like to have the support of Members in seeing that an interest is built up in one of our largest industries. Today the tourist industry is one of the largest industries in a developed country like the United States, it is only the retail grocery trade that has a greater volume, greater turn over than tourism, and I wouldn't emphasize too much the effect of tourism here. This is an industry, its a new industry and a lot of people look on it as a menial industry, its not much incentive in going into it. You have students who prefer to go to the banks, and go to secretaries to lay lines and all this. But I would like to say that if this Bill becomes law an arrangement is made to attract home that students be encouraged into this industry in disciplines such as hotel management, middle management, food and beverage management, accountancy and all this. If we are going to develop the industry, and if we are going to look at education as a means of fitting a person for life, I think this is in one direction where we as Members of this Legislature can encourage our young people to be attracted to this particular industry in the disciplines that are there.

The Islands Government has as the Member will know I was able and been fortunate so far to meet all their obligations, all of their commitments as far as scholarships are concerned on a pretty wide basis. The time has come when the quantity of scholarships, and the cost of scholarships is will be necessary to find monies from some other area, and I think that the Member can be complimented for seeking ways and means of providing this money. It might not have been necessary four years ago - three years ago as the case may be but it's more time it is becoming necessary, and I think that attempt to provide the money is a good thing: on the other hand let me say that we have a lot of responsibility other than providing the money. I think we have a great work out in the field to emphasize on young Caymanians that they have to qualify themselves, and in order to reach to the top you start from the bottom of the ladder and you work to the top.

Mention was made of certain disciplines, certain persons or individuals who have been trained in the legal department who could, maybe anticipated being an Attorney-General. It is true that the Attorney-General might have the same academic qualifications as a person just out of university, but I'm sure that any Member would be unwise to put a new fledgling barrister of the piece of paper one holds as an Attorney-General of a country. In most countries when a young person comes out - a young barrister comes out the position he falls in there is a Deputy Clerk of the Courts, in most cases they're not even put Clerk of the Courts, they're Deputy

Hon. W.W. Conolly (Cocking)(Clerk at the Courts, and they work themselves from there up. I feel today that young Caymanians have greater advantages in getting to the top more quickly than could be found in a lot of other countries. I think that in making this money available it goes also with the responsibility of us trying to impress on young Caymanians that they have to qualify themselves and then work themselves and prove themselves in order to reach the top. I support this Bill in its entirety.

HON. PRESIDENT: Does the Honourable Mover wish to reply?

HON. B.O. EBANKS: Mr. President I would like to thank Members personally for their support. There're just a few matters to which I would like to refer that took place in the debate.

First of all I would like to make it quite clear that this Bill being before the House today does not in any way have its origin in the 1972 P.N.P.C.P Manifesto. Because I am responsible for having this Bill here, and having read the first two paragraphs of that manifesto I wouldn't read anymore. So even if they had that in the manifesto I am sure I didn't see it.

Some Members expressed surprise to see a Bill like this presented by the House, and I am wondering what grounds could there be for such surprise. Because since 1970 and particularly 1972 more money has ever spent on Secondary Education and education generally in the Cayman Islands than at any time in its history.

I had to marvel Mr. President how people could be standing up and making such rash statements about favouritism in the administration of this programme, when the same Members have voted just a couple of dollars less to be administered in a like manner by the Education Council for scholarships abroad. The vote this year in that area is something like forty three thousand dollars, if my memory serves me correctly. Added to that we have in this particular scheme we have the constraints which have been placed by the Lending agency, so there should be no fear at all about mis-administration of the system. And for the records I would like to say that certainly since I have been Chairman of the Education Council we had not found it necessary nor have we refused any application who met the requirements that are laid down in the Education Regulations for the award of scholarships.

Now what brought about this Agreement is because for many years it has been obvious that with the improvement in Secondary Education Government as it was not going to be able to meet the continued demands for higher education. But it was not an easy - Members are talking about since we've been out here we should have been there more and got more money and so on. I would just like to close this also on that matter. This money is coming from a regional institution, there's only so much money to be lent and the money is allocated on a per capita basis in the first instance. In fact the Agreement that was made to us for perusal in the first instance might not have met our requirements, because the priorities which were listed were not priorities which we saw to be most in our society. We had to go back and make a case, and this was accepted. I think too that the amount that can be loaned to any one student, and I think it is important that I explain this, because Members are talking about this being utilized by five people or so. They're take it clear that the - the lending institution has placed a limit as what any one student can borrow, so we are not looking at this as the final and complete answer to financing further and higher education in the Cayman Islands. The maximum amount to be loaned to any one student is $18,500. per annum plus transportation. We will have that to the Government Bursar to request that in order to get students to institutions that cost in excess of this. But a further thing is, that it is geared more to institutions within the region, and this will not fall far short of the target for the cost of education at regional institutions particularly the University of the West Indies to which we already contribute. So this will in fact see more than five students abroad, and then when the repayments begin to come back we have the full revolving to look forward to. And if we can prove that we can produce the people I

HON. J.C. JACKS (CAYC'D): believe there's a good case for getting additional funds.

Mention was made too of the fall in the number of Caymanians attending institutions of higher education abroad, and this recent fall started to take place '71, '72. It is a fact that within that period many of the people we had already in the field of teacher training returned home, and it became more and more difficult to attract the people into the teaching profession, because the requisite qualifications became higher and higher for entry. But it is to be my regret view that this fall in the number of Caymanians overseas in higher institutions of learning would have been due and was due in many respects to the best brains in some instances from the local secondary schools being creamed off to local institutions that have claims to being institutions of higher education.

MR. LEWIS A. HUTCHINGS: Mr. President I take an objection to that, on a point of order. I think its an uncalled for statement, and I didn't expect that a Member of Education would have stooped down to those depths that he's returning to an institution of higher learning in Cayman which is carrying the seal of approval. It has carried the seal of approval from the Department that he represents, and the particular place Sir, International College of the Cayman Islands has been a terrific job in this community, and I'm ashamed to hear the man responsible for education make such an insulting statement.

HON. W.O. REMUS: Mr President the question did not in the least surprise me, and in fact it was me who introduced the institution into the debate. If Members recall in his debate he mentioned the fact that he was glad to see this Bill since certain people had expressed the view that they did not want to see a school of higher education established in the Cayman Islands. And I am saying it is my view, and I would like to make it - I'd go further and say that this is a place that that institution has carried the unqualified endorsement of this Government has been in the calendar of the college. As far as my information goes it has been operating as a conditional temporary license for five years.

MR. JAMES M. BODDEN: Mr. President, this is out of order I guess, but it has been operating under a license that has been issued by the Cayman Islands Government Education Council. If the Members would like to have a particular debate on this, if you would permit, I'm quite willing to take my side of it too Sir.

MR. PRESIDENT: I think the owners point is have a number of students who would otherwise have gone overseas have attended a local tertiary institution.

HON. W.O. REMUS: Mr. President I'm entitled to my opinion, and to express it Sir. If the Member has certain feelings about it he's entitled to hold it, I have's nothing with him about it.

MR. JAMES M. BODDEN: My point there Mr. President is that the license for this particular school is under consideration now before him, as a Member of Executive Council handling this Department. And I'd be surprised to see the derogatory remarks that would be made while this is being considered.

HON. W.O. REMUS: I make no derogatory remark you know.

MR. PRESIDENT: I think that's a fair point.

HON. W.O. REMUS: I rain Mr. President that it carries the title of an institution of higher learning, and we won't belabour the point. The other point that I wanted to make one to answer the point made regarding the number of children that would be coming out of the High School with five

HON. B.O. BODDEN (cont'd): ...of such projects. And to refer to the statement that the school needs to be looked into. I only want to say that it is a pity that Members of this Assembly and of the community cannot see the benefits and the good in that institution. Only last week I was in Jamaica I was approached by someone who had recently been to the Cayman Islands and they said Why are you keeping the light of the Cayman Islands High School under a bushel, because it is something to be proud of, something that we in Jamaica would like to have.

Now the point I want to make here Mr. President is that when Comprehensive Education was introduced into the Cayman Islands there was no promise nor to date that the number of students passing the 'O' level examination would dramatically increase, because it was known that the school would be capable of transforming an entire society as far as their academic ability is concerned. In any society there's only a limited number of people who qualify academically to take exams such as the G.C.E. 'O' level, and if Members would only look back during the days of the Grammar School they had an intake of forty students which was the cream of the crop. They were selected by an eleven plus examination, and forty children did not excell in 'O' level examinations, if you had four or five that excelled it was the maximum, and the others were down the ladder a bit. What Comprehensive Education has done, it has given everybody an opportunity to develop their talent, whatever that talent might have been. And the system lends itself to a broader application and a greater flexibility in assessment and qualifications upon leaving. But I want to make it clear that we need not assume that any change in any system of education will automatically increase that band of children in a society who are academics.

I repeat again Mr. President that I appreciate the general and widespread support which this Bill received, and I can assure Members that they need not have any fear as to the impartial way in which the funds will be administered. I thank you Sir. And at this point I formally move the Second Reading of the Bill.

MR. JAMES M. MILLER: Mr. President I'd like to crave your indulgence for one minute Sir just before we vote/like it is such an important bill. The Member piloting this Bill, touched on a point and I think he's left us all up in the air.

MR. PRESIDENT: I think with respect we must take it that this debate is concluded. The Member introducing the Bill has wound up.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

COMMITTEE STAGE

MOVED BY HON. B.O. BODDEN

SECONDED BY HON. T.V. WATLER

QUESTION PUT: AGREED. COMMITTEE ENGAGE FORTHWITH.

THE RADIO BILL

CLERK: THE RADIO BILL - INTRODUCTION AND FIRST READING

MOVED BY HON. A.S. BODDEN

SECONDED BY HON. T.V. WATLER.

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING.

THE JUVENILES BILL, 1975

CLERK THE JUVENILES BILL, 1975 - INTRODUCTION AND FIRST READING

MOVED BY HON. G. M. KRIDDICKOW

SECONDED BY HON. D. V. KATTER

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN FIRST READING

CLERK: THE JUVENILES BILL, 1975-SECOND READING

HON. G. M. KRIDDICKOW: Mr. President and Honourable Members this Bill is another in the series which were introduced at the first Meeting of the Assembly in March this year. These Bills as Honourable Members were designed to up grade and revise the judicial system, and this Bill forms an important link in that series.

Now whilst this Bill is complimentary with one slight exception it takes no real change with one exception as I said to the present Juveniles Law. Now the present Juveniles Law is contained in three different laws, namely the main law and two amendments, and the main law as well as the amendments contain a certain number of incongistencies and inadequacies and indeed some typographical errors, and it is thought to correct this in this Bill, and of course the Bill will also embrace all the amendments in one law.

Now the new exception to which I referred to just now present law makes no provision for bringing before the Court a Juvenile who is in need of care and protection. Now this is a very serious defect in the present law, because it has tied the hands of the Probation Officer to a great extent, and the Probation Officer is powerless to do anything in cases where it is obvious that a Juvenile needs to be removed from his present undesirable environment to a better one, and with the law as it stands this quite impossible. The law mainly deals at present with Juveniles who have offended against the Law and of course these are brought before the Courts, but as I said Juveniles who through no fault of their own who have committed no offence what ever, but who are in circumstances where there is need for care and protection nothing at present can be done for them. Accordingly Section 7 of the Bill contains provisions which will enable any person who has reasonable cause to suspect that a Juvenile is in need of care and protection to obtain a warrant from a Justice of the Peace which will authorise any Constable to remove the Juvenile to a place of safety until he can be brought before a Court, and when so brought before the Court, the Court may then make an order committing the Juvenile to the care of a fit person, or place him under the supervision of a Probation Officer for a certain period of time.

Now Section 7 also sets out the circumstances under which a Juvenile will be regarded as being in need of care and protection and these circumstances are (a) if he had been exposed to moral danger, (b) if he is suffering from malnutrition or other physical deprivation or disease; (c) if he is treated in a manner calculated to produce maternal incapability, (d) if he is being deprived, whether by act of his own volition of normal education; (e) if he is without regular and fixed abode; or (f) if he has no, or no sufficient contact with his parent or guardian responsible for his welfare.

Now, I am sure that Honourable Members will support these provisions as most necessary and will, I think result in removing a lack which now exists, and which is highly necessary for the welfare of Juveniles.

There is hardly more that I can say about this Bill Mr. President and Honourable Members, it is as I said a very important Bill because it affects the welfare of our Juveniles who will be in the years to come the adults in this country, and I have no doubt that I can rely on the support of Members/this Honourable House to the favourable consideration and passing of this Bill.

SECONDED BY HON. D. V. KATTER

OPPOSITION BUSINESS: BILL OPEN FOR DEBATE

MR. JOHN JEFFERSON: Mr. Speaker I rise in support of the Juveniles Law, 1975. But I rise also to oppose any section of this Bill that put in the hands of the Magistrate or any other person the authority by which a child from the Cayman Islands can be sent to an "approved school" in Jamaica. I have my convictions about that Mr. President, that I offer no apologies to anybody. Certainly I must say that I have, and I do appreciate and have appreciated the services that have been rendered to us by the Jamaican Government, and by reason for opposing them has no reflections at all on the Jamaican Government, but I feel we far as we're concerned that we have certain responsibilities and so far as I'm concerned I will live and die by my convictions and certainly I will be let and I will loud in my constituency whatever I think is right and best for the people of these islands. As I said I'm not opposing the Bill, but I rise to oppose certain sections of the Bill and I will try to briefly outline the sections to which I oppose.

Under Section 2 in the Interpretation "approved school order" means any school made by a Court sending a juvenile to an approved school. In the first instance it says "approved school" means school approved by the Minister under the Juvenile Law of Jamaica. I'm objecting to that. I'm objecting to the Interpretation Subsection (iii) "Minister" means the Minister of the Government of Jamaica charged for the time being with responsibility for the subject of child care and protection. In 6 (i) where it says to be sent to an approved school in Jamaica; or under Section 6 (i) as already quoted to be sent to approved school in Jamaica. Then Section 14 Subsection (7) (b) sending the offender to an approved school in Jamaica to be determined by the Minister. I am objecting to any clause in this Bill that gives authority to anybody to be able to send a child from the Cayman Islands to an approved school in Jamaica.

We find Mr. President as we go through the Bill there are various places that make mention of the Minister, takes position of the 'approved school" of Jamaica, and to those I am opposing the transfer power. I am saying that the time has come, and it has come as far as I'm concerned that as far as I'm concerned the good is outweighed by the bad. I think its in Section 19 (3)(b) - a record embodying all such information in the possession of the court with respect to the juvenile as is in the opinion of the court, material to be known by the Minister. "Minister" means Minister of child care and protection of the Jamaican Government, be delivered with as little delay as possible to the Minister.

Now Mr. President I represent in this Legislature the district of West Bay, and I feel that I wouldn't be discharging my responsibility in a law such as this not to be opposing these sections that place in the hands of any authority the authority by which any child in the Cayman Islands can be sent to an approved school in Jamaica. I said and I must reiterate the fact that we have appreciated and we still appreciate today the services that have been provided for us by the Jamaican Government. But I believe that in my opinion I would be less than responsible not to stand here today to oppose these sections under the Juvenile Law, and I have other points that I want to make in the debate concerning the Juvenile Law of the Cayman Islands. I realise Mr. President that I'm saying here today I'm objecting to a policy of the past, and I'm saying that its time the policy of the past be changed. I know that there are many arguments that can be induced. Where do you send them? What do we do? Well I'm saying that so long as these provisions are placed in the Juvenile Law it seems that we are going to pay less attention to the fact of making pronouncements as we that there is a place to which we can send these youngsters.

Let us start here Mr. President and think that many years ago a church in this country began what is now called the Cayman Islands High School, been an individual basis. Today we find that that was the beginning and we are recipients of what is in my opinion a flourishing, prosperous high school. I think the same may hold that school was started the time that we begin to look from those round about us, and seek to provide a needed service for the people of these islands. I believe that with the assurance of the religious institutions in these islands that its about time

MR. JOSEPH ATTERIDGE (CONT'D): that we begin to draw from them, not only speaking spiritually, but from the financial and moralist as well.

I see in the law as having tried my best to study it. I see in these islands a very grave need for the enforcement of corporal punishment which has been a thing of the past in these islands, something that has worked, something that has enabled us to get on with our business raising good youngsters. And I'm saying that it is time that we think in other avenues than to placing our children at a place where they are at a greater disadvantage that at an advantage. If we are thinking in terms as far as I'm concerned and this I mostly would refer to the politicians if we were writing them off from our society it would be a different story. But if we're even thinking of rehabilitation, the chances out weigh all the good, and the odds are so greatly stacked against the youngster, that as far as I'm concerned I would be less than responsible not to stand up in this Chamber and to voice most strongly my objections to these, and also we find flaws in this law.

Then as I've spoken earlier ago about corporal punishment, we find in our society here today, we find in the case that there have been youngsters that have been caught with ganja, youngsters have been caught gambling, youngsters that have been found guilty of other offences, and of course because of the fact that he is a juvenile, he's under a certain age the court or the authorities are not able to do very much with him. Mr. Speaker I was going to school Mr. President the story was quite different, I can remember on Friday afternoon many times, I wouldn't say many times, but I remember there on Friday afternoon when the juvenile court was held in our school room after school. Youngsters were found guilty of smoking, guilty of bad language, various other offences, and these youngsters got a good whipping, which I believe would be a good thing today to see more of happ in these islands, because its something that works. Certainly it is better to give these youngsters a good whipping than it would be to put them on airplanes or a boat and send them to a foreign country where they'll be a greater opportunity of being able to be exposed to the evils to which they could never be in these islands. And I contend that there must be an enforcement of corporal punishment, and its about time that we get on with this job and make sure that in this law that everything is in order as far as I'm concerned.

At Section 4 (f), and I like that part - nothing in this section shall be construed as affecting the right at any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him. I know of a case where a man gave his daughter a good whipping, and a good whipping hasn't killed anybody yet. I'm not talking about hitting them with clubs. But the statement was made by the police that aren't you sworn at the fact that you could be arrested for licking your daughter, that's so in other countries, but I mean that I have say in it in my own, because I think every man might be a master in his own house, and certainly I think we ought to know his own better than anybody else. I believe Mr. President this is one of the reasons why in our schools today you do it or anywhere else, chupra, there have you. We do not see the discipline, or do not have the discipline like it was in times past. And I know what people are saying, the new generation, and I mean to that, is now getting exposed to all kinds of evils that they never had an opportunity at before, but I am saying that it is time that we live up to our responsibilities and do what is necessary there of.

I believe that if these sections are struck from this Act, and it's going to ask every Member in this Chamber to weigh very carefully whether or not the argument that has been introduced is not worthy of consideration. I'm going to ask every Member in this Chamber to ask themselves very carefully that if it was my child that was going to be sent to the approved school. I'm going to ask every person here this afternoon in this Chamber to weigh these objections as carefully as if they were going to go out of this Chamber and face that decision on the outside. I'm asking you to reject these provisions in this law, the argument is where do we want things - that's the strong point, where do we want them? So far as I'm concerned if we don't place this in this law it means that we are going to work to find a way to which to deal with that problem. I believe

MR. JOHN JEFFERSON DAVIS: ...that we cannot escape this any longer, it's time that we dealt with it. And I'm asking every Member Mr. President to weigh these observations that I've raised very carefully, and weigh [illegible] as if his own son or his own daughter would soon be busy in the balance. Thank you very much.

MR. JAMES M. MCBOUGH: Mr. President, Fellow Members, a riddle has appeared in this Chamber this afternoon, for which I'm seeking eye to eye with the Second Member from West Bay. I too have very strong reservations on this particular point. We argued it some time ago here in another bill in regards to sending our prisoners to Cayman, an disagreement intended to convince; but I'am of the opinion that once you have a child out of his normal habitat and environment and remove / [illegible] a different country under different conditions instead of helping that child, you're going to injure him tremendously.

I have never been to visit one of the approved schools in Jamaica so I cannot speak with any authority on it. The fellow Members of this / private system or any indication of what the approved schools are like then we really should give this a lot of thought. Those people Mr. President and Fellow Members have enough troubles of their own instead of trying to have to take care of ours. I hope that in some manner we will be able to come up with a solution to deal with this problem. I would support the idea as laid forward by the Second Official Member, that this is a worthy Bill and is needed. But I feel like we have been able to find money for just about everything else that has come before this House, and we should be able to find money for such an important thing as this. We have a project in the Island which/now falls under some control from the National Council of Social Services in regards to the Boys' Home. It can be argued I guess both sides as to actually what the Boys' Home was intended to be. But at least as a start, and may be if the people of the Island would get this shoulder to the wheel this could become a fact, the home could be built and could be staffed.

I was very pleased to hear the Second Member from West Bay say that he felt the churches would lend their support to this matter. It is such an important matter that I think every clergyman in this country should be willing to get on the platform and preach in favour of it. And why be if we lend the ear by refusing to put "approved schools" in Jamaica in this Law, that we will get the clergymen and we will get the support of the entire country, not just as a government project to do this, but as a project of the people.

So I read this Bill several things come to mind. I would like to inform here that I feel this House should give authority to the Clerk of the Legislative Assembly that when new Bills are coming before the House that all the laws that are in the section books that would relate to that particular Bill be sent out in the package. I do not saying this now because I have not had any difficulty at all in securing them, I've had full cooperation. But it would make it much easier for us to intelligently move in here and debate. I say to get all the old laws that relate to any Bill that is coming before this House, and study that as well as study the Bill. In this case I have not had the opportunity to do so, and therefore I must debate it in the sense of asking some questions. There are several sections in the Bill dealing with age that I have to a bit, because I cannot understand. And I would like some enlightenment on it as how we actually arrive at these mystical figures. In one place we have three years, seven years, eight years, this is in relation to different things into the law, and I'm wondering really just how we arrive at these figures.

Now Section 4 (2) (e), is a section that I'm very very pleased to see into this law. Whoever drafted this I would be willing

MR. JAMES N. BOGDEN (CONTD) at this point to compliment him. Because there is something that is ruining our entire society today, and no one seems to be paying any attention to it. We have inserted here, and we have really not even used the definition of "juvenile" which would have been seventeen years under the definition currently, but we have applied it not, and we have said it. Now I'm only hoping that at this point the police will be completely informed of this section of the law, and when that it is carried out in regards of the exemption as well as the definition of the child of fourteen.

It has been the tendency in the past in this country for liquor licenses to be issued in my estimation indiscriminately. Just about every place that wants a license has a license, and the only criteria under which they operate is whether the child or the person is tall enough to reach up to the top and hand the dollar over. It was bad enough when it's fifty cents, but not its even a dollar. We got to dig a little bit deeper. That's the only thing that seems to make a difference to most people in our community today is the almighty dollar, irregardless of how it is earned. Whether it is by making dope or selling alcohol or whatever it is. Now it is time that we take a look at this, take a look at it in regards to hard earned money that it is costing our government, that it is costing the people of this country for the ill effects of these things. We as Legislative Members must pay some attention to this.

Section 5 (e) in regards to a pecuniary interest in the death of a juvenile, it passles me why the fines would be so low. May be there's a good reason for it, may be it was in the old law, I don't know. But when we think that a person could be dead because of the pecuniary interest that someone would have in that child, and we find that an indictment the maximum sentence is only a fine of up to $2,000 or may be up to five years imprisonment. It seems to be very, very low.

Now Section 5 (1) (b) I'm in sympathy, and I can understand some of the merits behind the reasoning of that particular section. But Mr. President I cannot stand here in this Assembly and agree to that section, because I would like for the drafter of this bill to tell me what the person is going to do when that good old boy gets for the want of food. It is a fact of life that we have poverty here, we cannot hide it, we cannot brush it to dust under the carpet. We have poverty, we have illegitimacy, and we have many parents who do not live up to their obligations. This is standard, this is world wide, it's going to be found in every community, we are no worse or no better than any other in this respect. But I would like to point out that in some of my travelling I have seen poverty much worse than we have it here, I have been to some of our sister islands right down here, Puerto Rico for instance, and I've seen the young kids come over to the ships and scavenge for the food out of the garbage cans. There God I haven't seen it in Guam or Guyana. Also in the United States I remember at one time while I was a merchant seaman on Christmas Eve I was on a ship by Charleston, and I had good reason I had gone to a bar, I had not been in the bar more than just a few minutes when in walked a little boy I would say about eight or nine years old, and he was trying to shine shoes. There was that young kid in an environment that he never should have even thought about being in. But by way there because of the neglect of his parents, or because of poverty, it had to be one reason or the other. I have never in my life I think had something to hurt me as much as seeing this little kid go from bar to bar almost abusing people's shoes. When it came to me and I wasn't drunk, I said to him look I do not need a shoe shine. But if you will go with me I will give you something else. I took the boy to a little store bought him a suit of clothes, pants and shirt, and a pair of shoes - it didn't cost me that much. I have never in my life seen the smile or thankfulness on a child's face as I saw that day. So for us to come in here and think that we can legislate against such things happening, I think it would be unfair. We must remember that the good book has told us that the poor will be with you always.

MR. JAMES M. BODDEN (Continued): Now if we had proper laws of penal, we had child care centres and something else of that nature in this island, why be I would agree with it. I am sure and I will agree that it does not look good for the Cayman to see such things, and I am sure that it a nightmare to our Member of Tourism to think about such things. But I'm also certain that its a nightmare for the Member who is in charge of Health, Education and Welfare to know that we have these problems in our community and it is very little that we can do at this time to alleviate it.

Section 3 (3) - I can agree in that respect for the child for a penalty to be put against someone if the child is being used by someone else to try to seek aims in the sense to which it is written in Section 3 (3), but not the child on his own when the child may really be hungry.

I am very pleased to see Section 9(1)(b) it seems to me like if that was not in the old law that would not we're making up. It a very appropriate section because I always believe that if one must enjoy the fruit one must pay the price, and for once it looks like we are enjoying the price. I hope that in the future members will be pleased on the enforcement of this particular section.

Section 25 (a) and (b) again I would have to question that a bit, because with the definition of "juvenile" and the definition of a place of employment as set out in the Schedule, it would mean that a person under seventeen could be sentenced to a family still sentence for actually taking employment on a ship. And we must realise that although we will have experience in this Assembly from time to time concerning the educational system, that each and everyone of us realises that not everyone that attends a school is a genius. So in some cases for economic reasons as well as for mental faculties you will find a person at seventeen or seventeen below going over on the ships to begin to make a livelihood. And this again seems to conflict, because speaking subject to correction I believe the age in the Education Law is fifteen, it may have been raised, but I think its fifteen. We can not seem to conflict one way or the other, and I think rather than to try to legislate this it would be good if we took into consideration of a natural way of living in the Cayman Islands. Because if this had been two years ago I am sure that we would not have many of the men engineers that we have today, because most of them had to leave home in some cases from fourteen or fifteen. And we are much braver off now, and they can be probably seventeen before they leave. But I would hope that before we pass this Bill that we would give some thought to it.

As I kept reading this Bill and making the different notes and not knowing really how this was determined as to the three, and the seven are the eight, it kept bringing to mind Mr. President a quotation from Robert Browning where he said that you should set like a fellow eight years old and make him swear never to kiss the girls. So for once I'm in sympathy with the Second Member from West Bay and on that section of the Bill I will be right behind him. Thank you.

MR. CLAUDE BILL: Mr. President and honourable Members I rise in support of this Bill, although in certain sections I do not agree. We are here seeking a law to replace the Juvenile Law of 1949, this law needs a deep thought and a deep thought should be given. The juveniles of today will be the future Caymanians in case by some of they are permitted to carry on offending, Cayman will not be the Cayman it is today.

The Second Official Member from West Bay must have had the same opinion as I have here, because he has taken actually most of what I had to say, and I will be in somewhat repeating what has been said by him. He has taken a great thought over this matter, and it is for me here to follow and do likewise.

MR. SEALEY rose. (SPEAKER) Sending our children to approved schools in Jamaica is not too good an idea, and is not much of an example for them to come back with, because they come back more versed than leaving the Island. When they go there in fact they meet with people who are much more attenders than they were here, and they are taught things to come back to this country with. We are very thankful to Jamaica for what she has done in the past for us, and I'm sure no Member in this House should or would disagree with me saying that. But when I look into what is called "approved school" which means a school approved by the Minister under the Juvenile Law of Jamaica. We have no approved schools and we are confronted with these difficulties. The Probation Officer herself was told we her hands are tied, which I can fully see when a parent goes to her and tells her they cannot govern a child. I want her to take it over, what must I do, these are the questions that she is confronted with daily.

In this law I see where no child under the age of eight years can be guilty of certain offences to guilty of no criminal offences. In Section 3 the age of criminal responsibility we find that. Then again under Section 4 (7) - nothing in this section shall be construed as affecting the rights of any parent, teacher or other persons having the lawful control or charge of a juvenile to administer reasonable punishment to him. This is one point that I fully agree with. This has been a matter that people have neglected, and by that by expecting the Probation Officer to punish the child and they go scotch free. Then again under Section 6 (1) mention is made again to be sent to approved school in Jamaica. This sending a child on a certain to Jamaica to an approved school is only creating a machine in no doing. He comes back a bigger criminal than he left the Island. It has been proved in the past and I am sure that the former speaker from West may paid a visit to the prison in Jamaica, and he has seen what is taking place in the prison life in Jamaica, not only with juveniles, but even with those who are serving sentences in that country.

Under Section 9 (1) sending boys to approved schools in Jamaica to be determined by the Minister, this Minister is the Minister in Jamaica. We are sending a juvenile from our country where we have considered that this child is beyond belief or unacceptable, and he must be dealt with by the Minister in Jamaica when approved school is what we think. Then again under Section 15 (2) we have where the relation of the courts must be well known to the Minister. I do not think that that is right, because he should be placed under someone here in this Island who knows the child or knows the parent of the child or how he originates. With the process of removal to Jamaica and what they have done for us in the past, are what they will continue to do for us, and are continuing, because we are not geared to take care of juveniles here. The time has come that we here in this Chamber must create a place, or establish a place to take care of our juveniles in this country, rather than sending them away to other places to be further crushed to come back here useless.

Mr. President such are everyone of us here are aware of the fact that juvenile delinquency is on the upward trend. I heard a Member speaking awhile ago said the need for Barber prison beds were not needed as much as something else. Well I say this that the need for juvenile delinquency centering here is more needed than any Barber prison bed, and with that Mr. President I thank you sir.

CAPT. P.A. REID: Mr. President and Honourable Members I think the law is well written, wonderful law, only one thing wrong with it, the most Jamaica appears in [illegible] way plus. I would like to support it, and if you just take it and put it through that same I'll vote in it. But I want to ask every man in this House and woman too this afternoon if you had a child would you let him go to a house of correction or a school of correction or something. I don't believe you would, and Mr. President I'm here to tell you this afternoon sir, because nobody knows what can happen to his family, but no child that was one drop of my blood in his could ever be sent to Jamaica to obtain his prison of his years or what or if he was a ten year old minor. That is where I come in to break the law. I say that my child or any child in this country that has any of my blood in him would never be sent there.

CAPT. A.H. ZEIL (cont'd): I'm not going to go through this page by page, because I've said it's a well written law, the only thing wrong about it is that we have to go to Jamaica, and I can't see why we don't amend that unreal string now. I would defeat everything that I've ever said in this House before with regards to the prisons if I agreed to this law, because sending a child there is worse even. He would be an impressionable age to be put through everything, and absorbed everything that was bad. We're not any further on Inagua when we send our children to their school of correction or our culprits to their jail. We are imposing on them, they haven't got the inch of space there to give us, and I say if we can borrow green rooms, and if we can build a beautiful court house, the best in the West Indies, and if we can have a nice Assembly like this, and if we can have a beautiful expensive office building like the one that's being built now, and if we can spend four million dollars on a dock that isn't in the right place, then I say we can build our house of correction for our children and we can build a proper jail house to put anybody in who's going to Jamaica for more than one year, or to going to get a jail sentence above six months. Now there is something a very dogmatic view, nobody is going to change my opinion on that. It is something that we ought to do. It is far more necessary than building roads so they can drive a hundred miles an hour. Right now they're only taking eighty and ninety, when they get good roads they'll be making a hundred and twenty. They ought to be put in jail, but I still wouldn't suggest sending them to Jamaica.

Nobody knows Jamaica any better than I do, I say it in the gracious days, when it was gracious living. I lived there all and it for over forty years. I went every during the War, I was in the war, and I came back after the war was over and I stayed there for twenty five years: and I saw it in its glorious days and in some of the worse. But if all it the white, every one in Jamaica today who can get out of it is getting out, there's no question about it, and there's not no secret about it. Any man who can get his money out has left it, and wants to leave it if he can't, if only he could get his money out. So you're going to tell me now that - every day you pick up the paper; I hope that Caymanians say, I stop buying the "Caymanian" its not worth reading, but buy the "Gleaner," if you want to get information. Buy the "Gleaner" Jamaican paper, you get a whole pile of paper, a whole pile of reading, it will further your education, then you'll know something about Jamaica. My friend here on the left where I told him so much about it he went and inspected the prisons. I had an office next door to it for ten years, nobody can tell me anything about it. I was a good lawyer to deal with a gun, I thought he was good. My successor was cried, I said what the hell you're crying for, he deserves it. Two minutes later he got up and walked to the Black Hole.

I am surprised that the people in this country have ever submitted to their children going to the jail in Jamaica, or their child to a house of correction. I'm absolutely surprised at it, and its time for us to stop it now, that I wouldn't for one minute object to borrowing money for this. I would borrow money tomorrow. I would sign cheques to borrow money for that house of correction, and for a proper jail house. So I've said don't believe you're defaulting the Jamaican Government by your refusing to send your prisoners there any longer, or building your own prison - they'll be happy to know that they haven't got the burden.

Now I will say this here if you have a mad person they've got a beautiful compound there and that isn't too bad, so that all mad people are equal, and things aren't too bad in that section. By the way, I was a soldier between the two, one was on my left and one on my right, so I know all about both. But the prison is a different thing, and the juvenile house is a different thing. You are in well written, we could pass it this evening if we agree to run a pen through the word Jamaica. I thank you.

MISS ANNETTE M. BOOKER: Mr. President and Members of this House I support that juveniles should have some attention. I myself have raised I would say a dozen juvenile children, and I have spent a lot of money on it - I mean a poor woman not a fortune like some of these people who are so very well in such financial circumstances. But I have raised I would say not less than a dozen children, who I have taken and they were very poor in circumstances. They were wandering the streets of George Town and I feel that a little love and kindness would help better than picking them off to any approved school, whether its in Jamaica, United States or where. Tearing a child away from its home has a great influence on it. Who I am blaming today for all this delinquency, these unruly children, I am blaming the fathers. Everybody knows that men are straying most of the time, and producing children so they seem to be an art, but they leave these children on the women. And I feel Sir, that the children should not be made to suffer.

I was in court the other day, last Friday I think it was, and it was funny there was two small children, some lad thrown a rock and broken somebody's head; they had to be sent to Jamaica for medical aid. There was another lady there with a little boy who said his girl friend is a spirit, and he talks to her at night. He was before the court because he had broken into a woman's house and gone there and frightened the lady nearly to death. He said he was led by this girl friend who's a spirit. Most people would have laughed at him. I was very sorry for him, I felt that he should have had proper care, so as a doctor instead of that he was here for the laughing stock, not by the judges of course, but by the observers in the court. I feel Mr. President that this is a need which we must look after these unfortunate children, how many people are willing to certify anything to help their unfortunate brother. I have an experience myself. I was sick at one stage for five long wicked, weary years. I didn't have any friends, I had known that I counted on, but never had many friends, nobody wants to help the down trodden, but when you're on your feet you can get anything you want, as here you want it, or where you want it.

Now I feel that we are doing a grave injustice to these poor little sufferers when we pack them off, send them anywhere regardless of where it is. I'm not running down Jamaica, I have a great affection for Jamaica for what it has done for us in the past. But I'm saying I do not know who dreamed up these laws, because most of this law is a dream. And I feel Mr. President that if each and everyone of us in this island, responsible citizens would take this matter very serious, we could raise such money and get some kind of a place built for them. I have promised not to donate one penny to this boys' Home, because I felt that it's not exactly what we want. I feel it should go more than a boys' Home, it should be a mixture, girls and boys. Because it appears to me now that the girls are worse than the boys. They're allowed to roam the streets and get in all kinds of circumstances, they can go all kinds of places, hear all kinds of [illegible] language and then they can copy what they have seen and they do so.

In this same court last Friday there was a lady there with a female girl, not quite fourteen years old, she had been gone for days, her mother had to take her. And she found out in jail, and brought before the court to find out what to do with her. Now it that had been a relative in the olden days, that girl would have been in court Dame Scott, and there she was dressed up in a blue dress, the very blue ribbon in her hair, blue socks, nice black shoes. Mother can't handle her, but she was dressing her up to come to court. If that child had been taken

MISS AGNES M. BRODER (Continued): ...connected, and told me was doing wrong it would have been far better than dressing me up with a frock up to my middle and putting her in the court house as an exhibition of properly dressed. The very judges had to tell her, girl you should be ashamed of yourself, after your mother is trying so hard to try to do things to keep you up, for you to go out there with those other wild children.

Now I've said Sir, I have the greatest sympathy for these unfortunate children, and I feel that as responsible people should make some effort that we should have a house of detention, or whatever it may be entitled to keep these children here, but of course that will take money. The churches, if the churches are doing their job they would go very seriously into this matter. We can count church halls, churches and all the rest of it, and we must realise that these little unfortunate creatures brought into the world by I don't know what kind of parents, I wouldn't like to say exactly, but parents who have no responsibility for the children they produce in the world. They're brought here allowed to roam the streets, and I'm sure some people say it should not be Government's responsibility. I agree Government is called upon to do a lot of things which actually they haven't any business to be doing, but we as human beings, we people who profess to have the interest of our Island at heart we should try to find ways and means that these children should be brought under subjection. I must agree with the Second Elected Member from West Bay that when we have no shopping children we have our beds ... at people are afraid of being beaten, especially physical beating, and if we have people that are in fear of anything, and children more especially, I'm sure they'll listen to some advice from parents.

I would say Mr. Speaker that I cannot and I will not agree to certain sections of this law, I don't think it's fair to take a little three or four year old girl and suck them off somewhere alone. Sometime ago I had a little boy I found him out by Mr. Buckley's terrace one night, he said Miss Austin I want you to take me home ... to adopt me, I said some other time but not tonight. When I went home he was lying in my swing asleep. I took the little boy, I gave him a blanket and a pillow to lie on the floor. I bought him clothes, shoes and I had him for three or four weeks. Very unfortunate, he was a bad little boy, no doubt about that, but he was a human. I tried to get him to go to school, I bought clothes and he was going to school, and one afternoon to my sorrow a truck ran over him and killed him. And you know what happened when I spoke to the driver, why he was glad he was sent to an approved school somewhere, its good to get him out of our way. That is the way we Caymanians look on the unfortunate.

I'm surprised that we should ever envisage tearing ... children away from their parents and sending them over to the United States, anywhere not Jamaica in particular. Mr. President while I support this up to a point. I do not agree with tearing children away from their parents and sending them anywhere. We should make a law where these parents are under guidance from ministers, juvenile leaders, or whatever they may be, Personal Counsil Services. Somebody to let them know they have a responsibility, and when these children go wrong ... or steal cars, the parents too should bear the responsibility. When you go to the Clerk of Courts office on a Friday afternoon you see a school of little children queueing. Did ... by pays leave any money here for me this week? Well you or me as taxpayers, by these poor little brutes must or have right not get anything to eat that week end, if their pays as they called him never left any money. Their mothers have no use for Buckley,the whole republic is they're producing children that they have no business to produce if they're going to ask them suffer. And I would say that its the responsibility of each and everyone of us not the Government alone, we as ... ..., as Christians as citizens, managers everything should do everything to try to alleviate the suffering of these unfortunate little children. And ..., although I genuine, I'm in so much difficulty myself having to find so much money with my problems I promised not to give a penny for the Sweet Home, or any other social work: but I will pledge myself if a house that it will ever be started in which these juveniles will be treated or attended to sure that I will do everything

MISS ANNIE P. BOOSER (cont'd) to answers it. But I do not agree that they should be sent from their homes and sent anywhere. Thank you Sir.

MR. D. TATE BOOSER: Mr. Speaker there isn't much need for further debate on this Bill, since I've seen from the Members that have gone before me that this Bill is a Committee Bill. This is a Bill which will go down in the history of this House, at least since I've been here as being the first Bill in which any substantial changes will have been made. To my knowledge this is the first Bill in which the Honorable Members will all stand together to take out some parts that have been put into it. It is true that a lot of this is copied from the old Bill, but if you're just going to copy the old Law there is no need for the exercise, if you're going to rewrite it in a modern way, then there is need to rewrite it.

One Member drew our attention to the section prohibiting the employment on a ship, which simply means that this Bill is copied from other Legislatures without taking our unique position into mind. We do have a juvenile problem, we follow the rest of the world on this, ours is not so bad as some of the countries where there are many slums, but we still have cause for concern. Naturally, in the authorities juvenile crime is rising in Canada and Sweden, in countries where they have no slums.

During the Debate on the Throne Speech I touched upon some of the causes for the rise in juvenile delinquency. And I also mentioned the point that for us to do better for them we need not spend much money, all we need to do is to change our cultural priorities. At that time I gave some statistics from the Budget showing that we were spending so much money on other things as compared to what we are spending on Child Care and Protection, and I showed at that time that we could have prison facilities, facilities for the care of juveniles just by relocating or reallocating some of our spendings. I do not have the Budget with me this evening, so I will not go into the comparison of the spending in some areas as compared to the spending for juvenile care and protection. But if the Members perusing the Budget will see I find that we are spending very little in comparison to other things, we are spending very little on juveniles.

The Member mentioned that the parents are responsible for delinquency of their children, and this is quite true. But the parents alone are not responsible, the parents get help in this matter. One source of help is derived from the communication media. The cinemas, the radio, the newspaper which feature violence in fifty five percent of programmes or their news articles, or whatever they put forward. If the thing is not violent, if it is not conducive/ violence it is not used anymore, and so the media has played its part in juvenile delinquency, and of course there is the permissive society in which we live, this was well debated in this House some time ago when the Body Member I think had a motion with regards to obscene literature, any things that we as a society permit any things that were not permitted years ago; and so all these things put together play their part in the book down at the behaviour of children.

The availability of drugs including alcohol is a factor, the easy availability of guns and alcohol for children is something we don't worry about. It is just as easy for a child to buy a drink or a beer as it is for him to buy a lead pencil. And these are things that we as a society permit, and so we must not punish the children too harshly, because we, this Legislative Assembly have to take it easy for juveniles to obtain alcohol. We are responsible just the same as if we buy it and give it to them. We ought to be ashamed that we have permissive laws which make these things easily available to us. Now/is it that we prefer to have a beautiful Administration Block, or a beautiful Assembly Building instead of a juvenile home? You look why, the main reason I can think of why I prefer a reliable rather than a life insurance policy. We can see that in this drive way and the public can see it, we cannot display our juvenile home, we cannot display our prison, we cannot really point to them with pride, and so we prefer to invest the things that we can show off with. And we have to adjust our national priorities, we have to get ourselves in the right state of mind , we have to adopt the right attitudes, and try to get the things of it be what is worth being rather than to have the things

MR. G. MILO Bailey (Deputy): ...that are worth ... saying.

... that if we do away with sending the children to approved schools in Jamaica, what are we going to do with them? But only have to look at this law and it tells you what you can do with them. Section 14, seven different forms of punishment would still be available for the court to note out if we but cut (d) which deals with sending the offender to an "approved school." So if we strike that out seven forms of punishment are still available to the Magistrate, although (d) might not be classified as a punishment, but it is to a certain extent; (d) says the case can be dismissed, but the fact that the person has been brought before the court is in some instances sufficient punishment for a very minor offence, probably a proper admonishment when the child had never had from a parent right to know good. So if we take that out, seven forms of punishment are still available under this law, and this is the amazing part of it, in addition to the seven forms of punishment that would be left subsection (3) of 13 provides another punishment which is imprisonment in extreme cases. So that where the person is convicted of an indictable offence the person is liable to be detained in a place including a prison. This is written in the law now. So if we strike out the section that says you must send them to an "approved school," eight other forms of punishment are still left in this Bill. So it cannot be said that if we do not send them to an approved school we would have to put them, that is not true, we cannot say if we do not send them to an approved school they would be no other form of punishments, because that would not be true. The Bill as it stands provides eight other forms of punishment which are easily available for the judge or the Magistrate dealing with a juvenile offender. But we do have to take a long hard look at providing the proper type of correctional or approved school.

... It is true that that week the ground was broken for a Boys' Town in West Bay, and this will not only go a long way towards taking care of some boys, but it will be a starting point for a full correctional system. It is true that this will only take care of the male population at this time, but if we do not recognise the problem we will never get started on it. And so I, along with the Second Member from West Bay I feel that if we do as he suggested, if we put out this "approved school" in Cayman business we will then have to find out what to do with those that must go to an approved school. But as long as that is left there no concrete action will ever be taken until after all the other boats are satisfied.

So Mr. President I promised not to be long in my debate but when we reach the Committee Stage of this Bill I will go along with the Second Member from West Bay to create the biggest upset in the history of the Bills that have passed through this House by making a substantial change in the composition of the Juvenile Law.

MR. PRESIDENT: I think this might be a convenient time to adjourn until tomorrow we can resume the debate after question time tomorrow morning, if I can have a motion for the adjournment from the floor.

HON. J. M. MILLER: Mr. President and Honourable Member I beg to move that this House adjourn until 10 o'clock tomorrow morning.

HON. G.H. MCLAUGHLIN: I beg to second that motion.

SPEAKER PRO: Agreed.

HOUSE ADJOURNED AT 3:35 p.m. UNTIL 10 a.m. WEDNESDAY, 25th JUNE, 1975.

WEDNESDAY, 25TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS UNSWORTH, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. MUNDER, CBE, JP	FIRST OFFICIAL MEMBER
HON. G. F. MACDONALD, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BIRD, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	UNITED ELECTORAL DISTRICT, LESSER TERRITORIES (MEMBER FOR INTER-ISLAND CO-ORDINATION AND IMMIGRATION)
HON. A. G. KIRKCONNELL	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, TOURISM, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, HEALTH, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

HON. T. W. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. [illegible]	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNETTE M. [illegible]	SECOND [illegible] DISTRICT, GEORGE TOWN
CAPT. A. A. REID	THIRD ELECTORAL DISTRICT, CAYMAN ISLANDS
MR. JAMES M. [illegible]	FOURTH [illegible] DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. [illegible] FRANKS	FIFTH [illegible] DISTRICT, NORTH SIDE

Order of the Day

Wednesday, the 24th June, 1975

1. Private Members' Questions

Miss Anita W. Brodrick (Constituency of Cedar Town) to ask the Honourable V.G. Johnson, Jnr., Financial Secretary, Third Official Member:

Will Government take steps to supply certain clerks with photocopying and or Roneo machines in order to avoid delay which is now often experienced by members of the public who apply for copies of documents, etc., and have to wait until such time as machines in other Government offices are available for use by Department?

Miss Anita W. Brodrick (Constituency of Cedar Town) to ask the Honourable S.E. Bush, J.P., Member for Works, Communications and Public Transport.

What is the cost of the Government Office Buildings to date?

Mr. Claude Martin (Constituency of Cedar Town) to ask the Honourable A.M. Hunt, J.P., Member for Works, Communications and Public Transport.

Since there is apparently no effective control over the rates charged by Caribbean Utilities Company, Ltd. and Cable and Wireless (West Indies) Ltd. will the Member say whether it is contemplated by Government at some time in the future to institute to waive the payment of import duties on the Company's importations?

Mr. John D. Cheeseman (Constituency of Mount Pay) to ask the Honourable A.M. Bush, J.P. (Member for Works, Communications and Public Transport).

As the Summer Tennis Grand Caymen/Miami has ceased, and as there has been selection criteria, namely, Cayman Airways, Limited and Sunset Air Lines and Scilly of Seabird Island being Cayman Police be pleased to submit the shuttle service Miami/Grand Cayman and return to us back of the local Airline's highest competitions, with the Member say what action has been taken by Government to discourage Cayman Airways-Up or Discouraged Cayman/Miami air via Miami?

If the answer is "No" the Minister and Pitcher is are requested to the service provided in this part by Cayman Airlines but this is now a matter of survival of the National Airline with the Member consider and encouraged by Government to Cayman in an effort to Cayman. As far as possible, these problems differ [illegible] one another.

2. Government Business--

Bills--

Continuation of Debate on Second Readings

(i) The Juveniles Bill, 1975

Bills First Reading

(ii) The Mosquito Health (Amendment) Bill, 1975
(iii) The Motor Traffic (Amendment) Bill, 1975
(iv) The Succession Bill,
(v) The Penal Code Bill

Bills Second Reading

(vi) The Public Service Commission (Amendment) Bill, 1975
The Succession Bill
The Penal Code Bill,
(viii) The Money Bill,

Bills Committee Stage

(viii) The Planning Protection (Land) Bill

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MR. PRESIDENT: Please be seated.

Proceedings are resumed. Before we begin the question time, I'll like to congratulate the Member of the House for attaining his 75th Birthday today. I am sure that Members join with me, wishing him many more years of health and service to the country.

MR. T.M. HARRINGTON: I wish to express my thanks, my grateful thanks, from the depths of my heart for the kind words of the President and Members of this Assembly.

I have been in the House a long time but perhaps I'll be here somewhile yet, but I'm certainly proud that I have taken this as my career, and I am happy to see the progress of this House.

MR. PRESIDENT: We'll proceed with the first item of business, "Questions".

QUESTIONS

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. V.G. JOHNSON, OBE., FINANCIAL SECRETARY - THIRD OFFICIAL MEMBER

WILL GOVERNMENT TAKE STEPS TO SUPPLY CERTAIN OFFICES WITH PHOTO-COPYING OR BOARD MACHINES IN ORDER TO AVOID DELAY WHICH IS NOW BEING EXPERIENCED BY MEMBERS OF THE PUBLIC WHO APPLY FOR COPIES OF DOCUMENTS, ETC., AND HAVE TO WAIT UNTIL SUCH TIME AS MACHINES IN OTHER GOVERNMENT OFFICES ARE AVAILABLE FOR USE BY THEIR DEPARTMENTS?

ANSWER:

GOVERNMENT WILL EXAMINE THE NEED OF ANY OFFICE SO FAR AS EQUIPMENT IS CONCERNED DURING THE DELIBERATIONS LOOKING PUT FORWARD TESTS CASE. WHERE THERE ARE MERITS AND FUNDS AVAILABLE GOVERNMENT WILL PROVIDE REASONABLE EQUIPMENT.

MISS ANNIE H. BODDEN: Mr. President, I would like to ask the Honourable Third Official Member if he is aware of the fact that in the Clerk of Courts office there is no such machine in operation?

MR. V.G. JOHNSON: Mr. President, the answer to that supplementary question is no.

MISS ANNIE H. BODDEN: Mr. President, with your permission I would to ask if an inspection will be made of that office to see that what I'm saying is correct? There is no available machine to get copies of documents.

MR. V.G. JOHNSON: Mr. President, an inspection will be made of the office Sir. The fact is, I had a discussion with the Head of the Department quite recently, and he did not mention this particular problem to me, other matters were mentioned but not the need for a copying machine.

MISS ANNIE H. BODDEN: Mr. President, again with your permission I would like to ask the Honourable Financial Secretary if he is not aware of the fact that every time you need a copy, the Clerks from the Courts Office must go to the Governor's Office to have such copies made?

MR. SPEAKER: We'll proceed to the next question.

MISS ANNIE H. BODDEN (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HON. N.B. BAIN, J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

WHAT IS THE COST OF THE GOVERNMENT OFFICE BUILDING TO DATE?

ANSWER:

THE CERTIFIED COST OF THE GOVERNMENT ADMINISTRATIVE BUILDING UP TO THE 31ST OF MAY, 1975, WHEN THE LATEST ACCOUNTS WERE CONSIDERED IS $1,5[illegible],230.00.

MISS ANNIE E. BOODEN: Mr. President, with your permission I would like to ask the Honourable Member for Communications and Works, if that amount is sufficient or what extra amount will be required to complete the building for use?

MR. A.E. BUSH: Mr. President and Honourable Members, I'm unable to answer that question as to what the final cost of the building will be. I really don't know.

MISS ANNIE E. BOODEN: Mr. President, another supplementary question. Does that amount include the cost of furniture for the building or not?

HON. A.E. BUSH: Mr. President and Honourable Members, this is what has been spent on the building as I've said, up until the 31st of May. Whether this includes furniture, whatever was spent on the building, this is the actual cost up until that day.

MR. CLAUDE E. HILL: Mr. President, if I'm permitted I'll like to ask the Honourable Member if the building is moving ahead as expected or anticipated for up to the 31st of May?

HON. A.E. BUSH: Mr. President and Honourable Members, the building is somewhat behind and this is because of the lack of being able to get materials in which to have the work done. And, so the building is really lagging behind somewhat.

MR. JOHN D. JEFFERSON: Mr. President I would like to ask the Honourable Member the question, and that is, what was the contracted cost of the building when the contract was signed?

HON. A.E. BUSH: The contract price for the building was $1,372,624.30.

MR. JOHN D. JEFFERSON: Another supplementary. The question Mr. President is, in view of the fact that the building is behind time, has Government sought to use the penalty clause?

HON. A.E. BUSH: The penalty clause you said. Well this is need I suppose when there is justification for it, but, as of now Government is satisfied that the delay in the building was really not the fault of contractors.

MR. CLAUDE E. HILL: Mr. President, if I'm permitted I would like to ask the Honourable Member if it is owing to the fact that goods and also transportation of goods has caused this extra amount of money for this building? If it is owing to that fact that this building now cost much more owing to transportation and the transportation of the goods and the cost of material has changed somewhat, if that is the notice?

HON. A.E. BUSH: Mr. President and Honourable Members, as I've stated, the amount that was spent on the building as of the 31st of May this year is less than the contract sum. So, I don't think the Member can say that the additional cost and what was the reason for it, there has been really an additional cost, because the contract sum of $1,372,6[illegible].30 has not as yet been exhausted.

MR. JAMES M. BROWN: Supplementary, Mr. President. Would the Member care to speculate whether the $6,394.00 that is left will complete the building?

HON. A.B. BUSH: Mr. President and Honourable Members, it would only be speculation if I answer that question. I think as I've said before the final cost of the building is unknown.

MR. JAMES M. BROWN: A further supplementary Mr. President. The Honourable Member for Communications and Works I think now been a fairly well known contractor himself. Would he estimate whether the building is seventy-five percent completed or ninety percent?

HON. A.B. BUSH: That again Mr. President is just a matter of opinion. If Members really want to know just how far the building is on and it is expected that the building will be completed in the latter part of August.

MR. JAMES M. BROWN: Well, a further supplementary Mr. President. In view of it being completed in August that's another two months, can the Member tell us whether $6,394.00 will complete it in August?

HON. A.B. BUSH: Mr. President and Honourable Members, I should say not.

MR. JOHN A. HARRIGAN: Supplementary. Mr. President I'd like to ask the Honourable Member one last question. What then is the advantage of awarding contracts to the same firm based on being bonded and on cost and certain time is another place, as an instance as the past was done on that and no contract in the past by the same firm was done according to cost that was fixed at the contract?

HON. A.B. BUSH: I'm not quite clear on what the Member is really referring to Mr. President, I wonder if the Member would just rephrase the question or repeat it.

MR. JOHN A. HARRIGAN: I'll be happy to Mr. President. I'm saying that since we've had the same firm to do the Courts and Legislative buildings which were completed behind schedule and cost far more than was anticipated at the time the contract was signed. As I'm saying now, what then is the advantage of awarding contract to the same firm based on being bonded, because that's something that's being played, that's a thing that is being held out in front of people today especially for local firms. Being bonded and cheap and speaking particularly of the time element involved, as no contract in the past I am saying now been completed on time and no contract in the past with the same firm has been completed on the price stated in the contract when it was signed.

MR. PRESIDENT: I'm afraid that's going very far from the original question.

MR. JAMES M. BROWN: A further supplementary Mr. President. In view of the statement now, again the Member tell us how it is presumed that Government will cost this?

HON. A.B. BUSH: Mr. President, if there is extra cost for the building through price of materials and labour cost, naturally the Government will have to meet this extra amount, but the contract sum will remain the same.

MR. JAMES M. BODDEN: Mr. President.. In view of that what type of contract do we have that we continually have these cost over runs? My idea is that the contract is a fixed price, is that not so in this case?

HON. A.B. BODEN: Mr. President and Honourable Members. I don't know whether the Members are aware that in every contract, I don't think you can say a fixed price, because there are clauses which allow for escalation of labour and material. And, whenever this does occur this is what extra the Government will have to pay on the building, but it is not from the contract price which was quoted by the contractor, it is only if there is extra cost in the price of material and labour which the contractor himself will have to pay, and naturally the Government will have to reimburse it.

MR. JAMES M. BODDEN: A further supplementary Mr. President, when the contract was awarded to the present contractor was there a lower bid?

HON. A.B. BODEN: Mr. President, I don't think I should answer that question.

CAPT. A.A. WEIR: A supplementary Mr. President, I'll like to know why we should have any increase in the cost of this building any escalation whatever since the prices of goods in America went down considerably in the last six or eight months? And, certainly we shouldn't be expecting to increase labour again, if that is contemplated we'll expect to close up shop altogether; already building is gone to where it is out of the reach of most Caymanians, a few Caymanians can afford to build a home today because of escalating cost, and because we were stupid enough to let people come here from all over the Caribbean and Central and South America and tell us what laws would work for, what they wanted, what they has to get.

MR. JAMES M. BODDEN: A supplementary Mr. President, our contracts are usually approved by the Cayman Islands Government, is it on basis of performance or on cost?

HON. A.B. BODEN: I'm unable to answer that question Mr. President, the contracts for Government are handled by a Tenders Committee, and they are the ones that handle the contracts.

MR. JAMES M. BODDEN: Could the Member tell us what is the anticipated cost for the airconditioning for church in this building?

HON. A.B. BODEN: No, Mr. President, I'm unable to say.

MR. SPEAKER: We'll have to do the next question.

MR. CLYDE K. BILL (Parliamentary Secretary) to ask the Hon. A.B. Boden, J.P., Member for Works, Communications and Public Transport

> STATE WHETHER IT IS PRESENTLY NO EFFECTIVE CONTROL OVER THE RATES CHARGED BY CAYMANIAN UTILITIES COMPANY, LTD., AND CABLE AND WIRELESS (WEST INDIES) LTD., WILL THE MEMBER SAY WHETHER IT IS CONTEMPLATED BY GOVERNMENT AT SOME TIME IN THE FUTURE TO DISCONTINUE TO HAVE SUCH CONTROL OF THESE RATES OR DOES GOVERNMENT'S CONTRACTUAL

ANSWER:

> THE HON. MEMBER IS CERTAINLY UNDER A MISCONCEPTION IF IT APPEARS TO HIM THAT THERE IS NO EFFECTIVE CONTROL OVER THE RATES CHARGED BY CAYMANIAN UTILITIES LIMITED AND CABLE AND WIRELESS (WEST INDIES) LIMITED. EACH COMPANY OPERATES UNDER A FRANCHISE AND RATES CHARGED BY THESE ARE DETERMINED PERIODICALLY IN ACCORDANCE WITH THE TERMS UNDER WHICH THEY OPERATE. BECAUSE OF THE CHANGE IN THE

PARTICULAR HELD BY SUCH COMPANY, GOVERNMENT DOES NOT AT ANY TIME EXERCISE ANY DISCRETION TO WAIVE THE PAYMENT OF INCOME TAX" ON THOSE TERMS EXPRESSLY UNDER THE TERMS OF THEIR FRANCHISE.

MR. CHARLES M. KELLY: Mr. President, I would like to ask the Honourable Member a supplementary question. He stated that the rates are controlled by these companies, and now I'm asking him why is it that the rates charged by them cannot be controlled by us as Members of this Assembly?

HON. A.G. BUSH: Mr. President and Honourable Members, I don't quite see the point in the Member's question. Why can't it be controlled by this Assembly? The Government really controls this and looks into this matter, and I think this has been the practice right straight along, not the Legislative Assembly. But, the rates as I've said in the answer to the question were controlled in accordance with the franchise which is held by these companies.

MR. CHARLES M. KELLY: Mr. President, another supplementary question Sir. Who controls the franchise then Sir?

HON. A.G. BUSH: The franchise Mr. President and Honourable Members, as a legal document and as I should say that the Government controls that franchise.

MR. JAMES M. WATSON: Supplementary Mr. President. If Government controls under the contract the rates for Caribbean Utilities, how is it possible that Caribbean Utilities could unilaterally increase their rates without the approval of Government?

HON. A.G. BUSH: Mr. President and Honourable Members, we are aware that the rates of Caribbean Utilities were increased because of the cost of fuel. And, in the franchise they have a fuel cost which gives them the right to increase proportionately on the cost of fuel.

Now, Caribbean Utilities went along and increased their rates unilaterally, it is true, and Government -- there was some disagreement as to the sum that it should equal. Anyway Government was able to establish the rates and Caribbean Utilities conceded to this, and this was worked out. The, other factors of operations justified a higher increase for the company by comparison for losses suffered during the time this was all having to be ironed out, and so this increase was allowed to go on. And, we do not consider today that in accordance with the fuel cost and the agreement and relating especially to fuel cost that Caribbean Util' Ltd. are in any way overcharging for their rates for electricity.

MR. CHARLES M. KELLY: Mr. President ----------

MR. JAMES M. WATSON: Mr. President ----------

MR. PRESIDENT: One at a time please.

MR. CHARLES M. KELLY: It seems as if everybody is very anxious, Mr. President. I would like for the Honourable Member to state if the increase of oil came before Caribbean Utilities increased their rates or it came after.

HON. A.G. BUSH: The rates were increased after the prices of oil was announced, but it came.

CAPT. A.H. REID: Mr. President, is Government aware of the fact that the Caribbean Utilities is making the greatest profit that has ever been made in the Caribbean since I came in country. One Member told me only a few days ago that his investment is giving him seventy-five percent or a dollar, another one told me the same thing in Cayman Brac I see Members ago and mayhe I didn't use figures in it, and I tell if I did not stress in it, I think I'll have to go and take them out the notes. Now, if that

CAPT. A.A. BELL: ...isn't ridiculous that I don't know what is, but to suffer them to make such unfair profit. It's time for somebody to wake up in this country otherwise we're going to kill the golden goose, the guillotine is over his head now.

MR. JAMES K. JOHNSON: Mr. President, a supplementary.

HON. A.D.H. SMITH: I haven't answered that question yet.

CAPT. A.A. BELL: Don't be in too much of a hurry Sir.

HON. A.D.H. SMITH: Was it a question or a statement you made Sir, I -----

CAPT. A.A. BELL: No, I am asking if Government is aware that they are making seventy-five percent profit?

HON. A.D. SMITH: No Mr. President, Government is certainly not aware of it.

MR. JAMES K. JOHNSON: Is Government aware that at Par this year I think the dividends on a one dollar investment in 1967 has been roughly about a dollar forty?

HON. A.B. BUSE: No, Government is not aware of this.

MR. JAMES K. JOHNSON: Why is Government not aware of it?

HON. A.B. BUSE: Well, that's another question.
Mr. President and Honourable members, if I may make a statement on this Sir, I think this was discussed sometime ago in this Legislature on questions that were asked. Members were told that Government had asked for the audited accounts of Caribbean Utilities Company, and Government received those. Government employed the services of an expert in this field to examine these accounts, and Government was satisfied that the Caribbean Utilities company was not charging excessive rates. This is something that we have from an expert, it is not just on Government's own account that this is being done. And, the percentage which was allowed to them to go on would have ended on the 30th April. Today Government is awaiting the audited accounts of the Caribbean Utilities Company up until the 30th of April to determine whether any further increase in their rates are justified or not.

MR. JAMES M. MCCOY: Has the report of the experts who did this be tabled in this House?

HON. A.B. BUSE: No, this is for Government. I'm not afraid.

MR. JAMES M. MCCOY: Why, we are all Government Mr. President, why can it not be tabled for the report of this House to see it? We represent the people of this country, and we must be able to see it.

HON. A.B. BUSE: Well, this will be a matter for the administration to do, not me. As far as I know the report of that expert which we had is to Government and to this Legislature.

MR. JAMES M. MCCOY: Also in Government Mr. President, I'll like an answer from you?

HON. A.B. BUSE: I think Mr. President could answer that himself Sir.

MR. PRESIDENT: It is speculated on this question.

MR. JAMES M. SCOTT: Thank you Sir, but I'll be bringing it back.

MR. CLAUDE M. HILL: Mr. President, ---------- --- ---

MR. JAMES M. SCOTT: Just a minute, I wonder whether the Honourable Member could tell us whether he is aware that the so called expert or experts who did that study talked to the public or some section of the public sector and said, that in studying the rebirth of Caribbean Utilities if ever a country had been raped Grand Cayman had been raped?

HON. A.B. BUSH: I'm not aware of this Mr. President, and I'm confident that the man who we had employed made such a statement.

MR. JAMES M. SCOTT: Is Government aware that Caribbean Utilities rates are three or four times as high as in some other places of the world, that they pay no duty to Government?

HON. A.B. BUSH: No, we're not aware of this Mr. President.

MR. CLAUDE M. HILL: Mr. President ----------

MR. JAMES M. SCOTT: Why should such a company making such a huge profit not pay import duty to the Government?

HON. A.B. BUSH: Mr. President, as I've said in the answer to the question from the Member who put the original question. This is all controlled in the franchise. And, it is not for me or anyone else to delve into it, this is a licensing which this company has with this Government for a period of twenty years or something so.

MR. CLAUDE M. HILL: Mr. President, if I'm permitted Sir, as the one who asked this question, I would like to ask another question and that is, that the Honourable Member - is it so fixed that no one can look into the accounts of these companies. Is it so fixed that we here in this Chamber serve no purpose?

HON. A.B. BUSH: I don't quite get on to what you're talking about, what is it?

MR. CLAUDE M. HILL: I'll explain it Mr. President, the Member spoke and the way in which he spoke it seems that the Legislative Assembly has nothing to do with Cable and Wireless and the income that exist in any company whether they have a waiver or not, the Legislative Assembly has nothing to do with it. If that is so then my question is void.

HON. A.B. BUSH: I think that is a statement that the Member made. I'm saying that the Legislative Assembly has nothing to do with it, but I'm saying that this is the matter which is governed by a franchise which these companies operate under, and which is held by Government.

MR. JAMES M. SCOTT: Mr. President, a supplementary. Could the Member advise us when this franchise was granted to Caribbean Utilities, whether it was granted by a select board of people or whether it was granted by the Legislative Assembly of this Island?

HON. A.B. BUSH: I think this is a legal document which I think was prepared by the Legal Department and signed by Government or by the Governor.

MR. JAMES M. BOOCOCK: Mr. President, I still don't have an answer to my question. When the franchise to Caribbean Utilities was originally granted, was it granted by a select group of Civil Servants or was it granted by the Elected Assembly of this House?

HON. A.E. BUSH: As far as recollect Mr. President, I can't say that I'm certain of this, but as far as I recall it was approved by the Members of the Legislature.

MR. JAMES M. BOOCOCK: Mr. President, a further supplementary. If the franchise was approved and voted by this Assembly, it's a lot of us here who are fresh men, we were not here at the time to see that. Why is it that we standing in the shoes of our predecessors cannot see the document now, and examine the particulars surrounding this Bill?

HON. A.E. BUSH: I don't know, I really don't know. This is the matter on I've asked for the Government to decide, not me.

MR. JAMES M. BOOCOCK: Well, why can't it not be tabled in this House then so that the Members can see what's going on?

MISS ANNIE T. BODDEN: Mr. President, I would like to ask the Honourable Member if he is aware of the fact that the rates are still going up with the Caribbean Utilities Company? They are still going up.

HON. A.E. BUSH: No further increase has been made Mr. President, as far as I'm aware in the rates of Caribbean Utilities.

MR. PRESIDENT: I think this is in danger of developing into a debate on the franchise which is not really behind the original question. It is always possible to have a debate on a motion.

MR. JAMES M. BOOCOCK: Mr. President, I think I have one that will come under the ambit of that Bill. Is Government giving any further study to determine whether the rate increase by Caribbean Utilities was justifiable in view of the waiver of duty?

HON. A.E. BUSH: Mr. President, I believe the Member asked that question already.

HON. A.E. BUSH: Mr. President I'll be able to ask the Member if the percentage seventy-five percent on the dollar a high rate of interest or what would be considered a reasonable rate?

MR. PRESIDENT: That I am afraid is asking for an expression of opinion.

MR. JAMES M. BODDEN: Supplementary. Can the Member care to say whether Government has given any further consideration to changing the composition of its representatives on the Board of Caribbean Utilities?

HON. A.E. BUSH: No, not as I know of.

MR. JAMES M. BODDEN: Honourable Members who represent Government and Caribbean Utilities represented on Government that any further study should be made in the rate structure of Caribbean Utilities?

HON. A.E. BUSH: Not to my knowledge Sir.

MR. JAMES M. BODDEN: Is Government giving any further study to determine whether the rate increase by Caribbean Utilities was justified in view of the waiver of Duty?

HON. P.J. EGGE: Yes in the waiver of duty, Mr. President and Honourable Members. But, as I've said to the Caribbean Utilities will bring the required amounts to Government audited accounts up to the 30th of April to see whether how much which they are now charging are to continue or not.

MR. JAMES M. BODDEN: A further supplementary Mr. President. Does Government have any idea of the amount of remuneration paid by Caribbean Utilities to its Directors? I understand in most cases the remuneration and this would help to push up rate increases that they need. Could Government answer that one?

HON. T.E. BUSH: I don't know Mr. President just what they pay to their directors. Up until sometime ago I know they paid nothing, I don't know whether they have started paying their Directors any money or not.

MR. JAMES M. BODDEN: I beg pardon. Mr. President, I think the Member got me wrong, I was not referring to the local Directors of Caribbean Utilities because I know that they are unfortunate enough that they would not be in a higher echelons. I am referring to the Directors who come here from the United States and probably spend more time there maybe a year here, and they may not even have work permits as far as that goes or are they paid such high remuneration as Directors of the Company. Could he give us that information?

HON. T.E. BUSH: Mr. President and Honourable Members, as I've said so far as I know no Directors are being given any money. If this is so, then the called sessions when we get them they'll have maybe to know this.

MR. JAMES M. BODDEN: May it be safe to say whether the Directors that are retired or, supposed Chairman of the Board, Treasurer and so forth, what is their remuneration, do you have any idea?

HON. T.E. BUSH: I don't know, I don't know Mr. President.

MR. PRESIDENT: I think it's all right for me to answer the Honourable Member as answer this type of detail in relation to this particular question which is about rates and the rates of import duty.

MR. LEROY M. YOUNG: Mr. President, it's all relevant to it and it seems like nobody knows, and I will advise the House this morning that we're willing if I live somebody better get these answers because they're going to answer to this country sometime in the future.

MR. G. HAIG TIBBETTS: To come back Mr. President to the original question, it is stated in the answer that the rates charged are statutorily controlled by the Franchise. Can the Member give us the formula for the rate fixing in both companies?

HON. T.E. BUSH: As I have explained Mr. President that this is a franchise under which the Companies operate. And, in the Caribbean Utilities which I think was unanimously entered around, they have a legal agreement clause which covers the confrontation with Government, form the other way, and they had the interpretation of it, our Legal Department whether, and I've said we finally got our views across on this, we established that our views were correct on both, and this is something that we're trying to iron out with the Company now to see if we can't get some agreements between Government and the Company to work this quite clear so that there will be no further controversy as to how to this clause is concerned. And, it is all it is my answer the question, all are controlled by their franchise which they hold, and the formula I'm unable to say just what the formula is, but it is based on the Franchises which are held by these Companies.

MR. JAMES M. MORGAN: Mr. President, a supplementary. Would the Minister care to explain to us whether he knows that in the neighbouring country of Jamaica the average home owner the rate now is two and a half cents a kilowatt hour with a subsidy placed on the fuel application clause of 1.5 and a unit allowance base on which Government picks up about the one-third of that and pays it, which means that the home owner is paying/about three cents, the rate is about four cents and our rate is about eighteen cents, are you aware of that?

HON. A.E. AUGUSTUS: Mr. President, I think we're talking about two different countries now, he/maybe talking about the Public Service of Jamaica there which probably is subsidised by Government, I don't know. This is a private Company that we're dealing with, not the Government own Company and this could be by the rates being charged in the Members mind, could be a Government subsidy to this Company.

MR. JAMES M. MORGAN: Mr. President ----------

MR. PRESIDENT: One moment please. This is in danger of developing into a debate on the subject, and this is an abuse of question time. We've had I think about thirty supplementary questions, I'm going to allow at the maximum five more. If Members wish to explore the question further a motion can be put down.

We'll then pass on to the next question. I'll allow another five supplementary questions on this topic.

CAPT. A.A. PETE: Mr. President. I would like to ask the Member of Government has ever seen a balance sheet from the Company? If they have then they wouldn't need an expert to tell them they're making too much money.

HON. A.E. AUGUSTUS: Mr. President and Members, if I may answer the question, we have seen the accounts as I've stated before of Caribbean Utilities and we expect to see the latest one when it comes to us which will be of the 31st of April.

CAPT. A.A. PETE: Just one more. In the cases of the East Indian Cayman Brac the parcel is priced at 70 cents per kilowatt hour, and that company is not going broke, I'm a share holder in it and I know and it is installing a new plant, it has cost quite a sum of money but we have the two Members of the Legislature here the one backbench of that particular that they have here, and we're surviving on ten cents.

MR. CRAFTON M. MILLER: Mr. President, if I'm permitted ----------

HON. A.E AUGUSTUS: Mr. President, I'm really not aware of the rates in Cayman Brac, and I known I was going to be asked questions on the Cayman Brac power and light company I probably would have brought the figures for Members. But, I'm not aware really of what is going on there, and surely this is another private company which operates in Cayman Brac alone and controlled by some board of Directors and I don't know very much of - I haven't had any complaints but as way from Cayman Brac as to the rates of electricity.

MR. JAMES M. MORGAN: Supplementary. Mr. President, following on my last question which I/would be misunderstood. In Jamaica consumers pays a dollar twenty a dollar ---- compared to our seventy-one cents basis. Whilst rates charged to the consumer is two and a half cents a kilowatt hour, the company was not allowed a rate increase, it was given to the subsidy basis off of the fuel cost which amounts to seventy one and a half cent a kilowatt of hour increase. If this two and a half cent kilowatt hour increase the Government pays either a third of a quarter I can't remember which. I mean the consumer pays a third or a quarter and the Government takes the rest as a subsidy. Which means that the increase is paying/these rates a kilowatt

MR. JAMES M. BODDEN: ... rate compared to us in Cayman paying roughly eighteen cents a kilowatt hour when ours, in fact excessive here that is in relation. Why should there be such a disparity and why would it be a factor?

HON. A.L. SNEAD: Mr. President and Honourable Members, maybe I should answer the question of the Member, it would be right for me to ask the Member to be aware that the company which he is referring to in Jamaica is Government owned and is a non profit making company established by the Government - operated by the Government and this is the reason we could why rates are so much lower there than they are here. This is a private company that we are dealing with and not a Government owned operating company.

MR. JAMES M. BODDEN: Even so Mr. President, would it be a disparity of six hundred percent difference between it being Government and the public.

HON. A.L. SNEAD: I don't know Mr. President, this is something that I'm unaware of, I cannot answer.

MR. JAMES M. BODDEN: All that we need to find out Mr. President. Mr. President ----------

HON. A.L. SNEAD: Surely a Government can offer to its people anything for nothing while we could never expect that a private company is going to do business in any country but nothing.

MR. JAMES M. BODDEN: Mr. President, it's incorrect then on Government being guilty seems to know what's going on here, that a complete impartial investigation be done on Caribbean Utilities if it includes bringing in a royal commission from London be on it Sir. The people cannot stand this any longer.

SPEAKER: The right hon bro-

HON. A.L. SNEAD: Mr. President and honourable Members, as I've said that Government has at this present review, and Government is now awaiting the audited accounts of Caribbean Utilities up until the 30th of April. They were asked to submit. Since a Government and Government is going to look into it to determine whether the rates which are being charged now are justified, or whether there will be any further increase or decrease in electricity.

MR. SPEAKER: I'll take one more supplementary.

MR. JAMES M. BODDEN: Yes Sir, please. In view of that then, would the Member care to tell us how tremendous rate increases has been going on for better than a year, in spite of what he has just told us, would he care to tell us how many people of this island have paid to this company for the last eighteen months in Government going to go back through the books of Caribbean Utilities and individual home owner and person who has bought electricity and right then how many from Caribbean Utilities in excess or what may have been charged? Can he answer to that one?

HON. A.L. SNEAD: Mr. Mr. President, I cannot answer that question but I can assure the Member that when we have our report from the experts which we employed for this task this will be looked into very carefully, and we will go by our advice from our experts on this matter.

MR. PRESIDENT: We'll pass on to the next question at this point.

MR. CLAUDE A. WILSON: Mr. President ----------

MR. JOHN T. JEFFERSON (CORRECTLY OF WHAT MAY) TO MR. THE HONORABLE JOSE. J.E., DIRECTOR FOR VISAS, COMMUNICATION AND PUBLIC AFFAIRS

IN THE LIGHT TRAFFIC GRAND CAYMAN/MIAMI HAS INCREASED, AND AS RIGHT NOW TWO SCHEDULED CARRIERS, NAMELY, CAYMAN AIRWAYS LIMITED AND SOUTHERN AIRWAYS AND SIMON IS ANXIOUS THAT LOCAL ISSUES TO PERMIT FOR ADDITIONAL SERVICE MIAMI/GRAND CAYMAN AND BECAUSE TO BE ONE OF THE LOCAL AIRLINES' BIGGEST COMPETITORS, WITH THE NEWEST AND MOST MODERN HAS TAKEN THREE BY GOVERNMENT TO DISCOURAGE RACIAL PROLIFERATION OF FOREIGNERS CAYMAN/MIAMI AND VICE VERSA?
IF THE ANSWER IS IN THE NEGATIVE AND ALTHOUGH WE ARE GRATEFUL FOR THE SERVICES RENDERED IN THE PAST BY THESE AIRLINES BUT THIS IS NOW A MATTER OF SURVIVAL OF THE NATIONAL AIRLINE WOULD THEREFORE CONSIDER AN APPROACH BY GOVERNMENT TO LOOK IN AN URGENT TO SITUATION, AS FAR AS POSSIBLE, THESE POLICIES DURING THE OFF SEASON.

ANSWER:

THESE AIRLINES CONDUCT A SCHEDULED SERVICE BETWEEN GRAND CAYMAN, COSTA RICA, GRAND CAYMAN AND MIAMI AND VICE VERSA. THE SERVICE BETWEEN GRAND CAYMAN IS OPERATED ON A DAILY BASIS BY THE UNITED KINGDOM GOVERNMENT, WHILE BOTH THE MIAMI AND CAYMAN OPERATORS BETWEEN GRAND CAYMAN OR THE MIAMI/COSTA RICA HAVE LICENCE FROM THE UNITED STATES. THE COMPANY DOES NOT OPERATE A MIAMI/CAYMAN SCHEDULE SERVICE.

IT WOULD BE APPRECIATED WE AN APPROPRIATE LOCAL AIRLINE'S OPERATIONS PROVIDE BACK-UP SERVICE TO CAYMAN AIRWAYS' OPERATIONS [illegible]. IN RECOGNITION OF THE FACT OF THESE FLIGHTS BOTH SOUTHBOUND AND THE NORTHBOUND FLIGHTS AT 10:30 A.M. ARE OPERATED ON WEEKLY BASIS THAT CAYMAN AIRWAYS LIMITED UNDERTAKES THE NORTHBOUND SECTION AT 2:05 P.M. THE PASSENGERS WHO DO NOT CLEAR IN THE C.A.L.'S 6:30 A.M. FLIGHT WILL NOW HAVE THE 5 P.M. FLIGHT WHICH IS TWO HOURS LATER. FURTHER, CAYMAN AIRWAYS PROVIDE EXTRA SEATS TO ACCOMMODATE CAYMAN AIRWAYS LIMITED'S PASSENGERS IN THE EVENT OF TEMPORARY SUSPENSION OF SERVICE. IN VIEW OF THIS, THE GOVERNMENT HAS TAKEN NO ACTION TO DISCOURAGE CAYMAN FROM PROVIDING A CHARTER SERVICE.

WITH REGARD TO GOVERNMENT AUTHORITIES TAKEN TO WITHDRAW FROM CAYMAN ISLANDS, OF ONE WAY AIRLINES OPERATED BY THE BOX, NEVERTHELESS, REGARDING CAYMAN'S DAILY SERVICES TO AND FROM TAIWAN AND YOU KNOW THAT IT'S DISCUSSIONS ARE WITH AMBASSADOR OF THE UNITED KINGDOM, THIS GOVERNMENT WOULD FIND IT DIFFICULT AT THIS TIME TO PREVENT CAYMAN AIRLINE OPERATIONS OUT OF CAYMAN CAYMAN.

MISS ANNIE H. DOUGLAS: Mr. President, with your permission I would like to ask one supplementary question. Would it not be appreciated to say how legal of it, to ask Cayman to withdraw their any service which they have got at the all this time?

HON. R.L. MAIN: As I've said Mr. President, I think this is so, I would say so myself.

MR. JAMES W. PATRICK: Supplementary, Mr. President. Could the Honorable state what is the anticipated short fall in revenue and loss that C.A.L.I may incur this year?

HON. A.B. ROSE: I don't have the figures on this, I'm sorry Mr. President I can't answer that.

MR. CHADDOCK ADAMS: Mr. President, a supplementary. While the office in Miami and Cayman handling both Airlines find on occasions Cayman C.I.A. flights either way seem to be quite empty and Lacsa louder. Have on many occasions turned with passengers on stand-by if Mr. Rose is aware of this can give any answer to it?

HON. A.B. ROSE: Mr. President I believe this is coming up in another question and possibly it's best for the Member to wait until that question is being asked or answered to get the reply on this. Because I think it's another question how of the operations of Lacsa that still have to be answered, and I believe we would get a better answer at that time. I would'nt want to answer the ——————

MR. CHADDOCK ADAMS: I'll withdraw Mr. President until that time then.

MR. JAMES M. FERGUSON: Mr. President, in view of the statement made about gratitude, the question as far as I'm concerned seems it very clear. The reason why we're asking this question is because that the traffic between Miami and the Cayman Islands has dropped off considerably, and we are only concern/about the summer business until things pick up. In other words what I'm concerned about is the survival of Cayman Airways irrespective of any other airlines, as to make that crystal clear.

HON. A.B. ROSE: Mr. President, I don't think that it is as serious as what the Member is thinking, and usually am kept in close touch with things though and it my whatever that Cayman Airways is being affected too very much by the operations of Lacsa we will probably try to look into the matter more carefully and try to see if we can remedy it. But, to make somewhat clear that we have another Airline which comes in as of right and there is nothing that can be done in that regard, because is mentioned also Southern Airways Airline which operates under a reciprocal permit into the Island. But, I think what is more concerned about is the flights of Lacsa Lacsa makes four flights I think a week in here. If the situation becomes intolerable to where we find that Cayman Airways is being affected too very much. Then we will look into the matter and probably reduce the flights of Lacsa into the Island. But, so far I don't think that there is any need to intervene/at/X, it is because unless as I've said, this is a matter we can always look into.

MR. JAMES M. WALKER: Supplementary, Mr. President. Would the Minister care to advise us whether our contract with Lacsa carries a re-negotiating clause in favour of Lacsa, whether they can expect us to re-negotiate before the end of the term of the contract.

HON. A.B. ROSE: It's not with us really, it's the permission from the United Kingdom Government who asked our views naturally on things like this before licences are granted. And, I remember sometime ago that Lacsa applied for more flights and through the United Kingdom Government this was refused on the grounds that it was not sufficient business, and they considered that it might damage our own Airline

MR. JAMES M. FERGUSON: Mr. President, I'm sorry I didn't put my question before. My question is, was present contract between the Cayman Islands Government and C.A.I. and Lacsa for the operation of the Airline C.A.I. does it carries a re-negotiating clause before the end of the term of the contract in favour of Lacsa?

HON. A.B. BODEN: I'm not aware of this Mr. President, I'm not sure about this. This is a company and Government - and I'm not sure of just what the contract is.

MR. JAMES M. SCOTT: A further supplementary. Has our Government been considering re-negotiating with Terra for better conditions owing on the C.A.L. operation before the term of the contract?

HON. A.C. HURST: Not as I know of Mr. President.

MR. JAMES M. SCOTT: A further supplementary. Would it not be possible for a Caymanian to represent C.A.L. at the lease office in Miami as we get a lot of complaints that many of our people cannot speak Spanish?

HON. A.C. HURST: Mr. President, I believe this is in another question which is coming up about the Miami office and again I would ask the Member if he would wait until this question comes up, that maybe we could discuss this better as I see we'll probably be discussing the answer prior to the question coming before the House.

MR. JAMES M. SCOTT: I'm sorry, I'll withdraw, I'll please withdraw that in the place of it. Does C.A.L. have a sign at the Miami Airport as large as the one that Lacsa has?

HON. A.B.BODEN: I don't know, I don't know Mr. President.

MR. JAMES M. SCOTT: As the National flag carrier of Cayman, I think we should be very proud that our sign should be as big as Lacsa's. Would the Member take steps to see that our sign at the Miami Airport is as large as Lacsa's?

HON. A.B. BODEN: Mr. President and Honourable Members, if it is the wishes of Members I'm sure Government will take steps to have this done, if it is their wish.

MR. JAMES M. SCOTT: A further supplementary, Mr. President. What taxes does the plane do have pay for it back in all at the same rate as we pay today?

HON A.B. BODEN: I think this is right, the answer should be yes to this.

MR. JAMES M. SCOTT: A further supplementary. I'm glad to hear that Mr. President. Is the remark that we should suffer a short fall this year and that's less revenue. Will taxes assist us in picking up forty-nine percent of the short fall?

MR. PRESIDING: That's not on this question about something for which Government is responsible. We'll pass on I think to Government business, "Bills".

CONTINUATION OF THE DEBATE ON SECOND READING OF THE JUVENILES LAW, 1975.

HON. B.F.EBANKS: Mr. President, I realize that the matter of dealing with the juveniles is a very emotional subject, but as I listened to the debate on this bill yesterday I had reasons to wonder whether the bill that was being debated was the bill which I heard introduced by the second Official Member, and whether it was the bill which I have before me. It would've appeared from the debate that the bill was a bill designed for the purpose of facilitating the employment of [illegible] in the Cayman Islands to approved schools in Jamaica.

HON. D.O. EBANKS (cont'd): Members also dealt with particular reference to section 25 (2) of the law that it was obvious to us section 25 of the law and in particular with section (2) relating to the employment on ships. that it was obvious that this bill was a bill lifted from another territory without due regards to local conditions, and the argument was put forward that this section would preclude Caymanian youths from taking employment on ships in particular before they attained the age of seventeen years. I would submit Mr. President, that interpretation is an erroneous interpretation of the section, the section states quite clearly that no juvenile required under the Cayman Islands Education Law to attend school shall be employed.

Now, the Cayman Islands Education Law states compulsory school age as being from fourteen years to fifteen years, and it only requires children to be in school when school is in session. It would therefore follow that on the attainment of the age of fifteen a juvenile which is a person under seventeen years of age as defined in the Law would be permitted to take employment on ships. Furthermore, they would be permitted to take employment during holidays even if they were of school age. I would in the same contemplation further that this bill after it has been drafted was perused by our Probation Department and by our own Justices of the Peace or at least a representative cross section of them who sit in our Juvenile Courts; so that it is reasonable to say that this bill reflects the views of our Probation Department and our local Justices of the Peace who have to deal with juvenile offenders in the Juvenile Courts.

And, as the Second Official Member presenting the bill took pains to point out, there were new provisions in this law which would enable additional resources other than institutions be explored Schools in Cayman, to be applied against offenders or even in the case of non offenders, there is now provision where a person who considers that a child is in need of control, there is provision for that person with the approval of a Probation officer to take the child before the Court and there is also provisions for any adult who deems a child to be in need of care and protection and that is defined to mean representation to the Courts to have the child brought before the court so that an order can be made for the child to be dealt with. And, it is significant to note that in the case where a juvenile is brought before the Court as being in need of care and protection then in that instance the Juvenile cannot be committed to an approved School in Jamaica. One of the remedies is not committing the child to an approved School in Jamaica.

Now, we heard from the debate yesterday - it appears as though, as I've said, the main object of the bill was to get Juveniles committed to approved schools. But, the Member at least quoted section 16 which gives seven forms of punishment that are available to the Court, or we're actually right in one instance misquoting the law; but seven forms of punishment that are available to the court other than committing the child to an approved school in Jamaica. And, I think Members should be aware that under existing laws also once it is considered that a child should be sentenced or a remedy other than probation, or a fine or similar punishment that the only alternative open to the court is to commit the child to an approved school in Jamaica.

Now, the proposed bill, the Juveniles Law, 1975 which we are discussing at the moment gives an added avenue to the Court, and that is that a fit person order can be made and a fit person would include an institution other than an approved school. I am going to this point to say that while the approved school in Jamaica is perhaps not the best on the most desirable way of dealing with our offenders, under the existing law the contemplation was established that the child must be sent to some institution - but an alternative but a sense it is an approved school. Now, the provisions now enables the child to be sent to a children's home which is an institution where children's whose in need of care and protection is enabled are sent. They are not children who have committed crimes. And, I would like Members to know that these children's home is

Hon. D.D. Evans (cont'd). ...Jamaica are among very of the best establishments of their type that are under supervision. They have some first rate children's homes where children are taught and provided for, but in addition to this the argument was used that if the provision of sending children to an approved school in Jamaica was removed from the proposed Bill it would cause Government to do something about our situation and the committee to allow things to remain as they are.

But, I think Members should be aware that Government is doing something about our youth. One Member mention the fact that a Boys' Home is being or is about to be built, well this home is being built on the guarantee that Government will staff the home and pay for the recurrent expenditure. It will be an expensive operation, and we have to crawl before we can run. It is perhaps appropriate to say that contrary to public and generally held views, the boys' home will not be a place where children are sent to for punishment, it is envisaged that it will be a home where children who are primarily in need of care and protection can be placed. The idea is that the children will attend normal schools in a normal way, but that they will be given the care and protection which they lack in their own environment.

The only two cases in the proposed law where a child can be sent to an approved school in Jamaica, is under section 6 where the guardian or parent makes application to have the child brought before the court. And, there are certain provisions embodied in this section which means that a parent cannot just run to the court and shed his responsibilities, because one of the conditions of the child being or the juvenile being brought before the court is that it has to be done with the approval of a Probation Officer who would have investigated the case thoroughly in the first instance. And, the parent has to prove to the court that he is unable to control the juvenile, the court has to be satisfied that it is expedient to deal with the juvenile in that manner, and that the parent or guardian understands that the penalty which will follow from the making of the order that is the child is sent to an approved school in Jamaica. But, even here it does not say that the child has to be sent to an approved school in Jamaica, because again the penalty of committing the child to a fit person is available to the court, and a further penalty of the child being placed under the supervision of a Probation Officer is also available to the court.

The second case is where a juvenile has committed an offence and are convicted under section 14 one of the remedies available to the court is the committing of the child to an approved school in Jamaica. But, there are other remedies, the juvenile can be placed on probation, the child can be fined, the parent of the child can be made to pay a fine for damage, or the parent or guardian of the offender can be required to enter into a recognizance for the good behaviour of such offender for a period not exceeding two years. The juvenile can also be committed to the care of a fit person and he can be placed again under the supervision of a Probation Officer or some other person to be selected for the purpose by the court.

Now it seems to me that it is ample scope for a juvenile offender to be dealt with other than sending the offender to an approved school in Jamaica. And, maybe a few statistics would help at this point over without the ability of the court at the moment to send children or juvenile offenders to children's homes in Jamaica or approved schools as such in the various countries which are available here. At the moment there is a total of six persons who are in approved schools in Jamaica, there are four boys and two girls. In August this year two of three boys and the two girls will be returning to the island, which would mean that two children only are left in the approved schools in Jamaica.

Now, in contrast to this there are at present fifteen Juveniles under court ordered probation, there are two Juveniles under voluntary supervision by the Probation Department, and there are ten adults who are under probationary supervision by order of the Petty Sessions'

Hon. and learned Member: Court. So, I don't think that the argument can be put forward that there has been any indiscriminate committing of children to approved schools in Justice over now. And, it is my belief that with the provisions - had the provisions of the proposed Law been available to the court that the numbers which I am quoting you, that the six would be drastic reduced. In otherwords the majority if not all of these children would probably have been in children's homes rather than approved schools. Because, the offences for which these children have been committing were not of the magnitude to warrant, in normal circumstances committal to approved school, but there was no remedy other it was either felt it was thought that the child should be sent to some institution. But, with the coming into being of our own boys' home and with the new provision of being able to send children to Children's Home as opposed to approved schools, I think that the number of the occasions on which that section of the Law will be used will be few and far between, but I think it would be unwise of us regardless how heart rending it maybe to remove this provision until such time as we are capable of dealing with the other cases that may arise here in Cayman.

A similar analogy would be that when most of the metropolitan countries and most of the countries in the commonwealth as well were abolishing capital punishment, we in the Cayman Islands decided that we would allow the law to remain on our statute books, as a deterrent to possible would-be offenders, but we were well aware that we at the time that we were asked to take that decision we had not had a murder in the Cayman Islands for some forty or fifty years if my memory serves me correctly, probably it was over thirty years. But, we felt that it was not a bad thing, to have the law on our statute books, and I don't think that any Member who voted to keep that law on our books was under any misapprehension that on that day and age, except in the most extenuating circumstances that the power of pardon or the power of commuting a death sentence to life imprisonment would not be exercised.

And, I am asking Members to consider seriously the provisions in the Juveniles Law, 1975 which enables a juvenile to be committed to an approved school, to think of that provision in a similar vein. It is in otherwords an action of last resort. It's a back stop for the real hardened criminal. Juveniles should one develop within our midst of juvenile offenders, should one develop in our midst, because, if we are forced if this occasion arises to make a hardened local offender with the children that we are trying to place under care and protection, I would venture to suggest it would have the same effect on those children as the sequence addicted to any what effect the association of our children with children from other countries would be.

I, as I've said Mr. President understand, how anyone that accepts a matter like this, not until such time as we are capable of dealing with offenders who would be sent to approved schools in our own island, I agree that we must have provision to deal with them in some other way. At the same time I would say that we should endeavour as speedily as possible to provide our own facilities. But when a child has or a juvenile has in my opinion reached this stage to remain more than just a call to sleep in or somebody to watch him that he does not escape, the child needs possibly psychiatric attention which we cannot at the present give to the juveniles in Cayman. By means proper I think the educational base would be occupational therapy, he needs to be occupied. We need to find out what makes the child tick. And, I have hopes that we will be able in due course to do; with these sentences legally, but at the present as I see it there is no possibility of doing this. If it was a matter of building a building as these people seem to think, I don't think we they say that would be any big thing, but it entails far more than this.

And, Mr. President, I would hope that in considering this Bill Members will look at it in its total perspective and application and not be carried away by the opportunity to amend a Bill which Government has brought forward. I think that the job of this House is more demanding and responsible than that, and I would go further and say that if in Cabinet, with a rubber as professed and the weighing as the

HON. [illegible] (continued): ...case of our juveniles, is to be dealt with in that fashion, it would be a irresponsible attitude.

I have studied this bill Mr. President, I have had discussions and I have studied the writings of our probation assistant Mentor, I have talked with persons from outside who are involved in juvenile courts and dealing with juveniles generally. And, it is my advice or the advice which I have been given at that until such time as we can provide the proper care for these children locally we would have to resort to sending the odd hardened and confirmed cases to an approved school elsewhere. So, my point is, we should strive to provide our own facilities as quickly as possible - as speedily as possible, but until such time as we can provide the facility we should allow this clause to remain in the bill. I think to take it out would be going against the best judgment of the persons locally who are involved in our juvenile problems, and more by those who have been asked to give advice down there. I thank you sir.

HON. [illegible] MUNN: Mr. President and Honourable members, I do, Mr. President really in my approach on this bill because of the debate which went on yesterday. I never thought that there was going to be so much debate on this very straightforward bill, because the objective of the bill is the protection of juveniles, and then as the another part, the punishment for juveniles. Now, I think something really is showing when we say the Juveniles Bill, because the fact that a juvenile as we saw it described in the law is a child under seventeen years of age, and it seems to me like something should be added to the Juveniles Law or the Juvenile Delinquency law, so that the fact that a juvenile is under seventeen years really doesn't say very much. He is a child, and it's only when he really becomes a delinquent that then we take all of this into account.

Now, yesterday much emphasis was put on the approved school and whether this should be, and where it was. I was really disturbed to hear the criticism that was given about the country where this approved school is to be, and I was surprised also to hear other statements made by Members of other matters which really did not relate to this law, but which I would like to ask promptly to reply to. I believe that responsible representations as we have that before were made as were spoken yesterday are spoken that more consideration should be given before such words are spoken. Because I do think that such things said can have great and far reaching repercussions as we here in this Island, and would place a great responsibility on us if action was taken. A great responsibility would be placed on us which we are really not prepared in this Island to accept at this time, and I speak about the criticism of sending the Juveniles to the approved schools in Jamaica. I don't think that this is just lightly come whenever a child becomes a delinquent that he automatically goes to an approved school in Jamaica, I think this was explained by the Member for Social Services who said he only under extreme circumstances would this be done, and I believe this and early as would be grateful to know that we have a country next door to us that is willing to undertake this responsibility of caring for our Juveniles once they becomes delinquent. And, I was very disturbed to hear the remarks that were made yesterday, I know that they don't get out of this Chamber, I hope that reporters who were in the Chamber will refrain from mentioning this to the press, so that it does not get out in the outside world. Because as I've said, I don't want like it would have and it may have, it's every chance of it having great repercussions on us at this time. We must remember that the country which we referred to or which was referred to yesterday is really not obliged to support our bad people, and when bad things get around as might we maybe forced to send for our prisoners, or bad prisoners, or long term prisoners much sooner than we think, and this would no doubt create a hardship on us.

HON. A.B. MACKENZIE (cont'd). I was surprised yesterday to hear that we didn't need any thing else it appears I'm in the minority, and a big slap to human intervention. Because Members said, we didn't need this Bill, we didn't need the Court House, we didn't need the Administration Building, we didn't need our Jail, we didn't need our roads, all really they were thinking about - and it took this Law to bring out their true feelings in this Assembly. So, all we needed was a big step to put our priorities on. This was very disturbing to me, I was surprised really to hear it from Members who I thought saw the need for many of these things, I appreciate it. Government doing its very best to provide them and to hear what was said yesterday, it really is a surprise that they want nothing else in the Island but a big ramp to put our children on.

Now, I am very sympathetic towards children, I have children myself. But I feel that it is my responsibility to care for my children, and I feel like it is every parent's responsibility to care for their children, but if we are given the impression in this Chamber as Legislators that this Government is prepared to accept the responsibility for every child when their parent decides to discard and let him go on this Government then I think we're making a very great mistake. I feel like the people should be punished for neglect of these children are the parents. We just don't let children in the woods like dogs when they get up to a person age you say, get out of my house eight years old and you look out for yourself. And then it becomes the state's business to look out for you because you are unable to look out for yourself. And I see this every day and I feel like some action should be taken on Government or the parents themselves and on the children, because the children really cannot help themselves. There's no one I don't believe in this Island that wouldn't agree with me. I do, I experience it day and night, I complained about it to the authority and there's nothing done about it. Children are permitted to roam at will to be out all hours of the night. I wonder whether they have any parents at all, I know some don't know their fathers but they all should know their mothers, and sometimes I don't believe they even know that, they even know who she is. Because I cannot imagine the neglect that I have seen among children around here that a mother is really a mother to the children, so these are the people who I feel their responsibility should be pointed to and definitely should be checked over what is owed to these children..

Now, this is a very touching thing, everybody is sympathetic towards children, no one wants to see them neglected. And, I may appear hard there is disparity in a family that Government should assist, and this is my mind is when this should happen, but not when the parents are well off in a way because if you notice it they can dress as good as you or I, they run up to work and have their spree something that I of course don't do, not something that I couldn't afford to do. We don't put a fifty cents or give the child but we have a million to buy a beer or something of the sort, and these are the things that should be looked into and make sure that the parents undergo their responsibilities for these children..

We heard yesterday a Member saying the poor is always with us, this is an old adage, you know this. But, there's not so many poor in the Island of Grand Cayman, we are a very enlightened with the outside worlds because we haven't got all the taxes we want, and this is what some of us say poverty. But it is not very many of us but that can put on clothes and can find something to eat from day to day and surely even if we don't have it our neighbours will help us. This is not the case, this is not the reason why these children are left go on the streets, this is not the reason why children become delinquents, it is because of neglect of their parents to assume their responsibility to these children. And, I hope that the authorities will wake up to the fact that it is the parents responsibility and not the Government's responsibility to look after their children.

HON. A.B [illegible]: And as Mr. Cranicomb and Members, again I say that I was surprised yesterday to hear that all we needed in this Island is a big race car criticism. Members who made those remarks probably weren't here in olden days, the good old days we will have to call them when the Legislature was being held next door in the Town Hall when one decided himself to death. When one had to go home at lunch time and change his clothes he couldn't come back in the same suit of clothes because he was joking with, they don't remember that. I remember as a Justice of the Peace sitting in the old Court House on cases, and when I came out my robe was all up in a mould he, I'm sure these Members had similar experiences. They don't want to see this building, they don't want to see New Court House, how do you expect a judge to [illegible] on his work - to do his work in circumstances such as that. Nothing have we got now than we had then, they forget all about the roads when you couldn't walk here what you think drove on them.

When complaints came as to Government as to what a state our roads are in, why is Government persisting this? It's a shame that Government don't provide something better for its people, when Government had done this they forgot the task what they were ever for. Now they are too good, but I do believe there are people who appreciate them, and I know that the programme will continue and we'll get through with all of this and probably get the big camp in the long run that they won for us.

Thank you Mr. President.

Mr. CRADDOCK Bayley: Mr. President, what we need about the roads is some of the drivers taken off the road and then everything would be alright.

Mr. President and Honourable Members, I'll like to say a few words on this bill. The Elect Elected Member from Executive Council advised going a bit on the boreaboy but I thought two or taking it. I'm sorry I wasn't here yesterday evening, for the beginning of the debate on this but the scripture says,"Give unto Caesar the things that are Caesar's and unto God the things that are God's", and I would add to that, "unto the people what is due to them as well".

We are living in a day and age of prosperity, we are said to looked upon as the golden age on the Caribbean, and as far as I'm concerned my years of being here in these last six or fifteen years the only thing that we've accomplishmanently done that exceeded in those previous years is good money, other than that we have lost most of which we once had and we were enjoyed. And, we are having a lot of people asking Government and Principle of these Islands to keep vice. They had yesterday, but which results such of it has already passed on.

This bill primarily deals with our teenagers and they are becoming a problem, it's regrettableorhat we can look into the streets all hours of the day and night and see the things that many of us see. When at eight or nine year old may should be tucked in bed, one o'clock and two o'clock in the morning he is hanging around some place. Reasonably speaking you wouldn't blame the boy because there are attractions, but when that boy or that girl is allowed out of their homes then parents ought to be in this home instead of the boy and girl.

The Honourable Member who has just finished speaking said, he doesn't think anybody sees anymore of this than he does, well maybe, but I think I see enough of it myself. A fortnight ago to me a few weeks ago one morning, "did my boy get on the bus this morning?" I said, I wouldn't permit myself to say. Well, his boy is probably only eleven or eleven and a half, he has just started the High school; otherwards the boy didn't reach home for the night. Certainly that boy will end up in the Courts, will end up in some home, will end up

MR. ROSEBROCK [cont'd]: ... in some place probably would where more or go west to pay in the groundwood, he could easily get killed. But how can a parent be ashamed? So there's just one, I could go on naming many, many things.

It has been stressed on many occasions in this Chamber that sending a boy or a girl to prison is not the answer, maybe once, and I feel that what we send them from home that's adding further to not having the answer. I think we have done enough reporting of our society's environment, the surroundings. I understand why we had to, I understand why it was a must, but enough of anything ought to be enough and it ought to have an end. And it's high time that we get down and put our heads to our shoulders and find a way of shortening these rather than continuing to send our people - whether it's the people to your other country for punishment, beatings or what not into that field.

I have two boys, both of those boys have left home to go to school. I knew how I felt when they were leaving me, having the opportunity, the privilege of going to further their education. I know now I felt when we kept the doors as right and those two boys were in school where they wanted to be, and I'm glad for their interest. How does a parent feel when their child is taken and sent to some place, by any school or what kind of school? How do they feel when they close the door the next night? I don't think that is the answer to it, whether it be the real cost or whether it be the TAC rate that have to go. It's time for this Government to address and take up to the fact and take somebody by the throat, put the right, and make them to understand that this is your child and you're responsible. If you're not going to be responsible you'll pay the penalty, rather than many be causing and causing problems and trouble not only to those that they interfere with or who they may steal from, but bringing shame and disgrace on their parents.

I cannot think that those problems of the problems that we are having with our teenagers would have happened if parents didn't allow them to do that. So twelve, thirteen, fourteen or fifteen year old boy or girl with the right training parents who happens to be any place at the correct after seven o'clock without those parents, if they do they are headed for the wrong place. And I am surprised, I am shocked at the way that our young people [illegible] with their parents, guardians and even other ones that maybe somewhat responsible for their actions.

One of my boys is twenty-seven, the other is twenty-one and neither of the two could do in my home today as talk as me or their mother the way that I heard a ten and a twelve year old boy talking to their parents. Until parents are made to assume the responsibilities we say we can't take them away, we're going to have to make some parents realize that they are responsible for their children and be sure that it is carried out.

I was in the courts a few days ago and there was a ten year old boy who was there for the theft of fifty dollars from a business person. A thirteen year old boy who had just come back from Jamaica from the reformatory/school and the one that wants the one year old to go into the place and do this and then he grows it when he comes back. If we can't do something with them in our eight, in our own mind, then we don't have much chance in going that when they are five hundred or a thousand miles away.

Mr. President, I'll give my support to anything, be a bill, a law, a regulation or what not that can help solve most of these problems. But, as to continue to make provisions that they should still be most overseen, I am not going to be willing to support that part of it anymore.

T. CRUDDOCK (continued): While it might have been said that we didn't needed an Assembly Building, we found money for it and on and on. So we will just have to find money to build a proper place to keep our boys and girls, and to see that they get the training and discipline that they ought to get, but such should only be with the odd case, the majority should be left in the hands of the parents and the law should deal with the parents to see that they take care of their children's to on what is fair and right, and providing they are taking care in protecting their children and not for the children to be thrown on the state, Government or tax-payers for this to be be done and that to be done or else not to be prevented when it's the parents that should be doing this.

So, with those few remarks Mr. President, while I support doing anything that can help alleviate this that we are faced with, I am saying the time has come when we should stop pampering our boys or girls or whats or anybody over-night to many other country for punishment. If our people bring them into the world and they become - true born criminals, then we ought to be the ones to deal with them, to take care of them, imprison them, punish them, rehabilitate them, whatever to be done as the people of this island should be doing that and not somebody else in some other country.

I thank you Sir.

HON. M.M. COUMBS: Mr. President, speaking merely on this Bill because I think that's the point I would determine it, we have been all around all latitudes and longitude speaking on the merits and demerits of this Bill. Apparently the requirement part in this Bill is the word "Learning" approval school in Jamaica and, in so far as I'm concerned despite how Members feel about it, I can quite understand their sentiments, but as the Member responsible for Social Services said, there is a limitation and at this particular time there has to be some place appointed. There has been approved school in Jamaica in the past and until such time as an appropriate place is prepared it will be very unwise to strike this particular section out.

Now, this is not unique to this particular Bill Mr. President and Members, if the newspapers correctly this has happened in a lot of cases: in cases where in my opinion are just as important or more important as still have the longest link our former association with the colony of Jamaica.

This Bill, the Juvenile Bill - apparently more stress was put on the Delinquent Juvenile than was put on the Bill itself, because the Bill itself is a Juvenile Bill. It make provisions, and I think/the Honourable Member who has just spoken would interest himself to section four of this Bill and to me this is a very important section, this is a section in this Bill that I think we can say should go a long way to correct some of the problems that he is talking about, and that is, usually is Juveniles. The law reads, whoever having any knowledge of seventeen years and having the custody charge or care of any juvenile wilfully assaults, ill-treats, neglects, and I think this is the point he raised, so, if a parent neglects a child, if a guardian neglects a child and the legislation that is before us now, and you see the penalty on conviction on indictment to a fine not exceeding five hundred dollars or for imprisonment for any term not exceeding two years or both.

Mr. President and Members I think this is a very very important part in this Bill, yet it appears that more emphasis has been placed on a part that is in my mind important enough, but is involved itself in a situation where at present no one has suggested an immediate remedy. We have blamed the Member responsible for Social Services shall that be aware of the situation, he is will pursue through Cabinet as what is necessary and what will be the involvement of this Government in setting up an Approved School. And, we spoke anyhow but distance because we might have being placed before us a request for the development of such a society, but the point that is here now - here we have a bill

THE HON. MEMBER FOR [illegible] ... before us, the situation is what it has been and I fail to see how Members will just recklessly subject or strike this bill without saying that they should be sent to some other place.

Now, I have to agree with the Honourable Member for Cayo West that certain words need clarification, after all we have to send our evidence to Jamaica, we have to send our prisoners to Jamaica, we have to send our mental cases to Jamaica, we have to depend on Jamaica for our courts of appeal and quite a number of other services. And it is true that the Island might have attained for itself a name of harbor; a lot of cities. But yet there is no evidence here. And as my mind as Member here can speak with authority - and I think the law is very specific, it's not any and every approved school, it's approved schools that have been set up under the auspices of the Jamaica Government and there is no evidence here before us to say that the conditions at the schools are worse than conditions of approved schools in other territories.

One Member spoke of a thirteen year old boy coming back from Jamaica or from the approved school to teach his ten year old brother how to do a little bit of shop lifting or something. But, mostly in the first instance, I don't know what the circumstances were but I'm sure that for the very case, the very fact that this boy was sentenced from an approved school that probably the crime that he did to cause him to get there was much more than lifting the fifty dollars.

The one thing we have to be very very careful about and this is this. And they say sometimes you can take the man from the country and bring him to the city but you can't take the country out of him. If we take children from here and send them to Jamaica we have saved them from an environment, we have moved them because when children return delinquent and get themselves in [illegible] school that the court has to order them to go to an approved school, the situation at home is not the best one. We all I would suggest is we find those children coming out if there should be certain circumstances are not interested in them, turn them loose or, [illegible] anything in the world.

Now, if a parent does not feel badly about sending their children away all hours of the night, if the parents do not feel badly about letting their children mix with strangers and unstable people if you think those parents are going to feel any better the Government sending them to an approved school is nonsense. [illegible] If a parent thinks something of his or her child and the child is going away to school as the Member said, under any normal circumstances such they feel badly, because they have seen in control of their children. They raised for those children and actually when they leave they will feel really strange it. But I cannot see that a parent who doesn't give two bits about his child and allows his child to become a delinquent will stand up and let his child roam the streets of Georgetown, West Bay and Bodden Town and East End and North Side or give or worry about him. I don't see that parent feeling badly because some corrective services in this island sends that child to an approved school.

And, I do agree with your colleague Member who said, that the responsibility should be placed exactly where it ought, and I think section four will do that. I know [illegible] to stand in this Chamber and say I am for the under privilege and I am for this one and I'm for that one, but I don't think today that if we are honest to ourselves that it we want to create a situation where we'll have all other privileged. I think what this law is trying to do is to avoid having the pressure of sending children to approved schools in Jamaica or elsewhere. If the situation arises where there is a case, where there is a need, the authority has to be in position to in control or in the instance have some place to send these children. No one is happy about sending children to Jamaica, and the only child that goes to Jamaica is probably one I would say ninety-nine percent of the time is a child who the parents didn't give two hoots about to begin with.

HON. M.W. MOORTY (continued): I think this law, the Juvenile Law protects the child, this law does that no one can work this child only on certain jobs, etc. dangerous jobs; this law provides for the protection of that child, that juvenile, it also as has been brought out says, if it happens that there are children, there are juveniles who are delinquent, juveniles who get themselves in problems these are means of corrections. And, on the recommendation from Social Services said, one of these happening to be sending a child to an approved school, are we doubt as we always been the case it is a matter of last resort when any authority in this Island would send a child to an approved school outside of these Islands.

I would invite Members to think seriously about this, because if you close this door and has to open for other ones. In this circumstances we have no circumstances as far as I'm aware of having an approved school either here or any arrangements made with any other territory to look after and take care of these situations if they do arise. It appears to me that the sensible thing to do is to leave the law as it stands, have this open opening, this arrangement with Canada to take care of our Juvenile Delinquents, and as the Member says, when this Island progress and provides the proper facility, then the law can be easily amended; the word "Canada" will automatically fall out when we provide our own approved school. Instead of saying approved school in Canada, all would be necessary to say, send him to an approved school and it would be the approved school in this particular facility. I think the Bill is a very good one Sir, and I feel that it requires and is almost deserve the full support of this House. Thank you Mr. President.

HON. TREVOR FOSTER: Mr. President and Honourable Members, much has been said about this Bill since the debate resumed yesterday, I do not intend to repeat but I do have a few thoughts which I'll like to contribute to the debate.

As the memorandum of objects and reasons states, this Juveniles Law, 1975 is basically the same as the old Juveniles Law with the exception of minor revisions trying to tidy the Bill etc. Members will recall at various times in Finance and Ordinary Meetings a lot has been said about child care and protection asking Government to do what they possibly can to capture some of these but we have in our communities, they felt certain that this Bill would meet with approval of Members, on the other hand I can see the feelings of Members as far as approved schools are concerned, but there has got to be a solution to a problem.

As one Member has stated, there are many alternatives by which children can be and will be punished before eventually being sent off to any approved school. The statistics which he has put forward this morning have proven that, that there are only six involved at this present time and four of them to return shortly. So surely now can see that that case is the last alternative and in fact there is a juvenile beyond the control of our facilities in the Island.

Mr. President, I feel that we should support this Bill, I feel Members should support it, they've been said to understand, they've been told by the department that this is only done when it's really necessary. But, on the other hand, if this option is not left in the Bill it could be that the whole Bill can become useless to a point, because if a juvenile is too far as in giving problems to the community without a deterrent in the Bill which would be lacking in this kind, that I would be sent overseas, and I would be taken care of in some terms, it might not necessary to the wishes of the people and maybe the use of the Bill. The kid might be able to think in his own mind and say, man, fine, I do exactly what I want and one thing for certain I am not going off of my own Island. But, I look on this as much of a deterrent in the mind and no doubt it could have a useful purpose.

HON. TREVOR FORBES (CONT'D): Surely as Members have said, it is the duty of parents to see a basic foundation for the upbringing of their children, and I think that is very essential because once this is done, although a child may depart from its original training usually they return. But, on the other hand in listening to some Members speak today I can't but wonder if they remembered that one time in the they were naughty too.

The old saying is particularly when an elderly person is lecturing the youth, I have learnt by the bitter teacher of experience, I myself have had this told many times to me, I recall one of my friends saying to one of our lecturers, "well this is all that we're trying to do too, is to get a little bit of experience". So, I don't think it's quite fair for you to say when a fifteen and sixteen year old is moving round a bit, more y they want to know what's going on, they want to enjoy it if there is enjoyment into it. On the other hand I can quite agree when youth are out on the streets and doing devilery apart from clean entertainments, this nature by needs attention and this is one of the reasons why this bill has been brought about.

Mr. President and Honourable Members, I feel if our Members could have a different thought on it and realize that it is not the first thing that will be done with a juvenile offender, is to be sent to an overseas approved school, but to the contrary is what be the last thing that will be done. But, nevertheless we would not like to be left in a position where we have a provision and no solution to solve it, because we do not have the facilities in our own Islands at the time.

Mr. President, I reassure the bill and I'll ask Members if they would take a second thought on it and at least not leave Government in a position where they do not have a solution to a problem when they face one. I thank you.

HON. C.B. WHITCOMBE: Mr. President and Honourable Members, I'm very pleased to see how this bill has been received and that there is really only one voice of objection, one ground of objection to the bill and that is the provision with regard to committing juveniles to the approved school in Jamaica.

I am grateful Mr. President and Members, to the Member for Corporation and Social Services for his comments, his explanation on this subject, on this point/my point and I do not intend to repeat anything that he has said. But, I should merely like to mention that this bill was prepared in consultation with the probationary services, and I was assured by the Chief Probation Officer that she pays regular visits to Jamaica, and that she is perfectly satisfied with the approved schools in Jamaica. Furthermore she has assured me that of the small percentage of juveniles who are referred or committed to approved schools that majority percent of them who return have benefited greatly from the care they received at the institution and are merely returning back into the society on their return. I can also assure Members of this House that in the performance of my Judicial duties when I was a Judge in Jamaica that I had on several occasions to visit these approved schools and childrens homes, and I am satisfied that these institutions, these homes are run on a basis which can compare favourably with similar institutions in other developed countries.

Like the Members who have spoken in favour of retaining this provision, I would also urge Members to consider very carefully before deleting or omitting but these provisions but not to close the door until there is another door ready to be opened. It is agreed by all that it is ideal that we should have our own institutions, that we should have our own approved schools, but until we can have it I think it would be most unwise to strike out this provision at the present time.

As Members have pointed out this power of the Juvenile Court to commit a juvenile to the approved school is exercised only

HON. G.E. MACDONALD: (Cont'd): ... in the very least respect, and it is only in respect of juveniles who are now wholly uncontrollable or who have committed sexual or serious offences; it is only in respect of such juveniles who are confined or committed to the approved schools. And, indeed in 1974 out of a total of sixty-seven offenders only two were committed to an approved school.

At a later stage in keeping with the procedure that was adopted with the other bills which were sent to a select committee earlier on in the year, I shall be moving that this bill be also referred to a Select Committee of the whole House. And, by then I should hope that the Members who are apprehensive about the approved school in Jamaica will have had time to think about it, and will then be able to decide just what measures should be employed. But, I would strongly urge that the Members should retain this provision and strive towards getting ourselves in the position as soon possible to have our own institutions, and in which case as the Member for Tourism pointed out, the only slight amendment that would then be necessary would be in the definition of approved school.

Mr. President and Members, I now move formally that this bill be read a second time.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

HOUSE SUSPENDED AT 1:00 P.M.
HOUSE RESUMED AT 2:30 P.M.

HON. G.E. MACDONALD: Mr. President and Honourable Members, I beg to move that the bill entitle "The Juveniles Law, 1975", be referred to a Special Select Committee of the whole House.

SECONDED BY: HON. D.V. BUTLER, C.B.E., J.P.

QUESTION PUT: AGREED. THAT BILLENTITLED AN ACT TO AMEND CERTAIN LAWS IN THE SAINT CHRISTOPHER NEVIS AND ANGUILLA ASSOCIATED STATE BE REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE WITH THE ATTORNEY-GENERAL AS CHAIRMAN.

HON. CHARLESTON ROBERTS: Mr. President, would you please remain there as sitting on the previous bills that went through the committee stage at seven?

MR. PRESIDENT: Well, the quorum will rest as it was for the previous eight bills taken in the committee. Thank you.

Proceed with the first reading of several bills.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

CLERK: INTRODUCTION AND FIRST READING

HON. B.O. BENJAMIN: Mr. President, I beg leave Sir to introduce a bill entitled "The Public Health (amendment) bill, 1975".

SECONDED BY: HON. D.V. BUTLER, C.B.E., J.P.

QUESTION PUT: AGREED TO INTRODUCTION AND FIRST READING

MR. PRESIDENT: Proceed with the first reading of the said bill.

THE MEDICAL PRACTITIONERS' (AMENDMENT) BILL, 197.

CLERK: INTRODUCTION AND FIRST READING.

HON. HUGH N. FRASER: Mr. President, I beg leave to introduce a Bill entitled "The Social Practitioners (Amendment) Bill, 1975".

SECONDED BY: HON. D.V. MILES C.B.E., J.P.

QUESTION PUT: AGREED BILL INTRODUCED AND GIVEN FIRST READING

THE IMMIGRATION BILL

CLERK: IMMIGRATION AND FIRST READING

HON. C.E. WADDINGTON: Mr. President, I beg leave to introduce a Bill entitled "The Immigration Law, 1975".

SECONDED BY: HON. D.V. WHITE, C.B.E., J.P.

QUESTION PUT: AGREED BILL INTRODUCED AND GIVEN FIRST READING

THE FORAL CODE BILL

CLERK: INTRODUCTION AND FIRST READING

HON. W.W. HAMMOND: Mr. President, I beg leave to introduce a Bill entitled "The Penal Code".

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

MR. PRESIDENT: You can proceed now to bills in second reading.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

CLERK: THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975 - SECOND READING.

HON. D.V. WHITE: Mr. President and Honourable Members, I beg leave to move the second reading of a bill entitled "The Public Service Commission (Amendment) Law, 1975".

The present Public Service Commission Bill empowers the Governor to seek the advice of the Public Service Commission on the appointments, and the discipline of certain officers on the permanent and pensionable establishment. This bill was passed in 1967, but now that we have the new constitution, you have Principal Secretaries and Portfolios responsible for subjects, it is thought that this bill should make provisions for a new set of regulations. We now have regulations under the present bill governing the appointments and the terms of reference of the Public Service Commission, but it is thought now that the Principal Secretaries and Heads of Departments should have more say in the appointments of officers that will be under their department, and to be able to give more advice also to the Governor. At the same time it will make allowances to this new regulation that we'll make under this, and I think copies of those regulations have been circulated to Members, although that does not form a part of this bill, but if there was any objections on any part of it that Members want to comment on you can take note of those. But, the regulations that have been circulated do not form a part of this bill, but those regulations will also allow also to take advice on Members of staff that have been taken on a temporary basis and contracts.

This amendment is seeking to amend section 9 to allow for additional regulations to be made under the present Public Service Commission Bill, and I therefore recommend this bill for the favourable consideration of the House.

SECONDED BY: HON. G.E. HADDINGTON, C.B.E., J.P.

QUESTION PUT: AGREED, BILL READ A SECOND TIME

MR PRESIDENT: Proceed with the second reading of the Succession Bill.

The Succession Bill

CLERK: The Succession Bill, Second Reading.

MOVED BY HON. G.S. ANDERSON, C.B.E., J.P.

HON. G.B. KNIGHTON: Mr. President and Members, this Bill is one of the series which was commenced in March, and it deals with the subjects of Succession Estate and Intestacy. And, the chief reason for this Bill is that much of the present law dealing with Succession to the estates of deceased persons is contained in a number of other laws, and it is therefore thought that it would be convenient for the purpose of the revision and updating of the Statutory laws to also revise and upgrade the laws dealing with succession and consolidate them in one law.

At present lawyers and business persons dealing with estates and with this branch of the law have some difficulty in really ascertaining what the law is. One has to go to several different laws to find it out, and so this process will make it much more convenient for such persons.

The Bill Mr. President and Members, is therefore in my view a consolidating one, and it reproduces with very slight amendments and some new ancillary provisions and all the present relevant provisions of the laws dealing with succession. One amendment which has been made and which Members will no doubt welcome is the increase from one hundred dollars to a thousand dollars of the amount on which a surviving spouse will be entitled from death intestate of his or her husband or wife.

There is hardly much more that I can say about this bill Mr. President and Members, because as I've said, it is merely consolidating the present law in a more updated form and I therefore hope that Members will not find anything controversial in this bill, and that it will be passed without much debate.

SECONDED BY HON. E.V. MILLER C.B.E., J.P

QUESTION PROPOSED:

MR. W. MARK MCKEEVA: Mr. President, it would not be good for two bills in succession to pass without debate so I will try to stir up trouble a little so that we can find out what's in this bill.

I agree with the principle that a man should make a will, if a man does not make a will well the law of the land steps in and takes the will for him, and that will which the law of the land writes is known here as the Law of Succession. We know that the making of a will is something which every man hates, because although death is a part of life man do not like to think about it, and those who hope that believe if they make a will then will die, not knowing that whether they make it or not they'll surely die. Amongst lawyers in Canada and the United States it has been found that seventy-five percent of them die without leaving a will, so even the people that are very much for the making of wills fail to do so. And, in the Cayman Islands many a person has died without leaving a will. So, in dealing with the succession law which will distribute a man's property in an ordinary manner rather than in the manner he would have liked, we have to be very careful that we do a good job for the man although we cannot do for him as he would've done, had he taken the time - and today the expense of taking a will.

I see one of the things in this bill which I feel are wrong. Infact I'm not able to tell the House the comment I made

SEN. G. WHIT BOOKER: [CONT'D]: ...an exercise akin to the tenure of this bill. But I feel that the provision made for the personal representative to receive a commission of five percent is too much. Five percent might be alright in some cases but when dealing a very large estate which consists of only one or two assets? For example, suppose a man leaves a very large housing unit land; I can recall in the Gazette where an ordinary citizen died and his land to the value of two hundred and eighty-six thousand dollars more than a quarter of a million dollars. And, I don't think it would be right for the personal representative to be given out of the estate a commission of five percent upon all the sums paid by him by way of funeral expenses, death legacies, as five percent of the net value of the estate whichever is greater.

Sir, I know that lawyers and other people who take part in the winding up of an estate are criticized on their fees, but we should not fix it in the law so that they can receive exorbitant sums at the expense of the widows and families of the deceased. What I would think is a better thing is for us to fix a specific sum which would not be exceeded; we have done that with regards to the widows allowance which the Second Official Reading mentioned in the introduction to the bill. We have fixed it so that she can receive a specific sum of one thousand dollars, now this is where we could've fixed the five percent if we wanted to deal in percentages; we could've said that the widow will receive five percent of the estate or one thousand dollars whichever is the greater. But, for the personal representative to be paid five percent regardless of the size of the estate, regardless of how many debts in the estate, regardless to the value which the estate could be sorted up if the estate only contained one or two assets is wrong. We can't allow these people who are concerned with the settling of estates to get rich at the expense of a deceased person.

Everybody is squealing about the exorbitant fees paid to the liquidators in cases of winding up, and the reason for that is because legislators have fixed these fees in advance in such a way as to give the maximum benefit to the people who really do not need it. In liquidation the person to be remunerated should be the creditors, not the liquidators; in the settling of an estate the person to be remunerated should not be the personal representatives, it should be their widows and children of the deceased.

MR. JOHN D. CARRINGTON: Mr. President, I'm objecting to any suggestions here that places any Member of this Chamber responsible for any exorbitant fees that are now being charged by the liquidators in this country. Because I have made up my mind that nobody is going to place any political noose around my neck here or anywhere else. I want to make it crystal clear that I object to any kind of suggestions of that nature.

SEN. G. WHIT BOOKER: Mr. President, I fail to see why I was interrupted. My contention is that five percent of an estate is too high a figure to be paid to the person winding up the estate. It is true that in a small estate the representatives might have to be paid more than five percent of the estate, but in large estates I don't see why it should be this case. For the personal representatives to receive five percent, because you may find for a few hours work the personal representatives might receive far more than they would in an ordinary person's work, and this is not right.

I also object to the notices concerning the administration being posted in the court house for three consecutive weeks, because in my opinion this is not public notice. You might pass the notice in the court house in Georges Town for three consecutive years and a person in Cayman Brac would never have seen it; this publication should be in the news papers, I don't want to see it in the Gazette because Gazette again it would be hidden from public view. The Gazette according to a public notice I have in my bag is not available to the man, it is offered at an exorbitant fee and ninety percent of our people do not know what is in the Gazette.

MR. [illegible] (CHAIRMAN). I remember a while ago the one thousand dollar sum which has been set aside for the widow in the case of an intestate estate, I must really commend the Senate Official Reviser for increasing this sum which was fifty dollars or fifty pounds under the old law.

Now, the section dealing with the inheritance of illegitimate children is perhaps one of the worst section in this bill. Section 15 provides that when the mother of an illegitimate child dies that illegitimate child can only inherit if there are no legitimate children. This is most unfair to the children who were born out of wedlock. This could never be right, because if the illegitimate child can inherit when there are no other children why can't they inherit if there are other children? So, we must strike this nonsense out of this bill, it widens us just to read it where the mother of an illegitimate child dies intestate and does not leave any legitimate issue that an illegitimate child shall be entitle to take any interest, but if there are legitimate children then the illegitimate child has no right at all.

Now, if you are going to say that the illegitimate child has no right to inheritance you might have a strong case, but if you're going to say just to rack up people and make them believe you have done something for them you can't have it both ways. What kind of nonsense is this? Just let us look at a practical case. Suppose for argument sake a woman had two children, one illegitimate by the first man she met and then married that man and had a legitimate child. The position on the death of that woman would be that the first born child who would be illegitimate could not inherit anything, only the second child would inherit. But, if the mother and the legitimate child died on the same day intestate, then the illegitimate child comes into his share. So, this is a very stupid section regardless of who drafted it, regardless of who puts it forward, regardless of where it was copied from, it's all nonsense so we must strike this section out. Then if anybody might want to interject the very ling argument to say that a woman who had an illegitimate child and married now has a legitimate, I would say what would be the situation if there were two different fathers involved? Would the marrying of a woman with an illegitimate child make that child legitimate by a different husband? So there is no argument against what I'm saying at all.

We have a law on our books which recognizes what is known as the putative father, that is a father who is recognized by a court of law to be the father of an illegitimate child. Now, where the law recognizes the father to be the father, and for all the years of the life of the childhood of that child the father has sustained that child, why isn't that child entitled to receive a part of the father's estate? Yet we look at what we have done to these children. A woman goes to court and gets an order for the putative father to pay X amount of dollars per week to this child, the father has to support the child. The father might be a man of very great wealth, and two days after you get the order the father dies, his estate according to this law is no longer entitled to support the child. Is this right? Because what the child really needs the support is when the father dies, and there is a lot of tidying up to be done with this section. But, a further injustice to the illegitimate child is done right at this page of the bill. If the illegitimate child dies the mother is entitled to receive all that the illegitimate child leaves, well why is the child not entitled to receive from the illegitimate father or the mother of the illegitimate child? Why must the child wait and hope to God that all the other issue can die before the illegitimate child can receive. Now, I am not trying to promote the case for the illegitimate child, but we must remember that the child itself is not responsible for the act of the parents. And, if a child is unfortunate enough to be born out of wedlock, and that child is recognized by the law of the land to be the son or daughter of any person, I think that child should have a right to inherit a part of the parents estate.

MR. V. MARIO BODDEN: (CONT'D): Now, it is true that if a father or mother wanted to exclude an illegitimate child that could be done quite easily by the taking of a will. But, where a father or mother does not want to exclude an illegitimate child why should we make the conclusion they should exclude the illegitimate child when the father or the mother did not want to exclude the child, but infact did exclude the child by dying without having a will? The only how the illegitimate child would not be excluded would be if there were no other issue from the father - Emma's mention the father at all. Infact the absence of the will is that this person would be automatically, but we have written it into the law so that it could be no mistake. Result is that the illegitimate child of a widow is not entitled anything the mother leaves unless the mother should have no other children. Perhaps this was just copied blindly from some other bill, but now that it has been brought to light can we as reasonable people allow this to remain in this bill?

This bill as a very important one, because in it we are writing a will for every man, woman and child in the Cayman Islands who should die without having made a will. I am sure if you made a survey in this country you would find that there are not two people in a hundred that have wills. I wouldn't say the Members in this Chamber that have wills to raise their hands because I don't want to embarrass the rest of them. But, this is not just a will for one person, it's a will of nine tenth of the people in the Cayman Islands. Infact even in well developed countries such as England, Canada and the United States everyday hundreds of people die without a will. So the law of Succession which will distribute the estate of the people who die intestate is a very important law, and we should consider it very carefully. The reason why I'm stressing this is because I'm warning up for some other things that are coming in this House.

About eight months ago we passed two laws that are now before us for amendments, because at that time we were too stubborn to do what we know was right. And, I don't want to come back back in January next year to amend the law to put the public to expense of printing and changing something that we as responsible people could change if we were humane enough to admit the ones that we were wrong. And, so Mr. President, I commend Government for updating the law relating to Succession, but would beg that the Members be given adequate amount of right months time to look at this principle and make the necessary amendments, and then perhaps if then do I won't be too rough on them about so many to the other two bills.

MISS NORTH H. MORREN: Mr. President and Members of this House, I must agree with some of the things that my colleague from Bodden Town has said, but I disagree with some.

Now, when I was first in this House Mr. President, I brought a resolution in effect that if a man dies intestate and he has acknowledged illegitimate child in his life time that that child should be given some consideration when his estate was distributed in otherwise this illegitimate child would be entitled an equal share of his estate the same as those so called lawful ones. Well, Mr. President I was almost taken alive especially by one Member from Cayman Brac, he said I wanted to destroy the morality of our people, but what I was doing; I said no such a thing, I am trying to protect them I should call them "Unwanted children", and I feel that I am right in this instance, and I would crave that these Members - they very eleven men as usual, that they would take into consideration how just that these illegitimate children must suffer.

Well, one man said to me coulnot man from Cayman Brac one of the representatives, "Do you mean to tell me you want to think that if I have an illegitimate child that that should get the same consideration as my lawful ones?", I said, of course I do and I still stand by that Mr. President, but I'm sure I won't get any support from those eleven men, but I feel Mr. President that when it comes to section 29 onwards that we should insert in this law that if a reputed father acknowledges his - I shall call them in - seriously language "I stands" son or daughters, that they should have some share in the estate if he dies intestate.

MISS JOAN M. ADAMS: (Cont'd) I am sure Sir that what we were talking about this morning, these delinquent juveniles, most of them are unwanted children and they have nothing to look forward to in life so, and I feel that we as legislators should try to do something to help them out. Another thing I disagree with in this law is that if I was unfortunate enough to have an illegitimate child, and then fortunate enough to score a man somewhere to marry me, and I had a child by this so called marriage that this first child should be left out, that is such unfair and I will never agree to this law in this condition.

I disagree with my Honourable colleague from Kenora Thunder Bay, when it comes to this five percent, because if he would know both of the personal representatives are either sons or daughters or some relation of the intestate man or woman, they don't go out and get outsiders to do the job they agree among themselves, they have certain interest and they give the authority to that one to apply to the court. Well, I'm very sure that if he or she as the eight person they wouldn't want to quib this five percent, look on the other hand there is a lot of work entailed. I have had estates thirty or forty years, have elapse upon the death of a person, I had to go to all kinds of trouble to get death certificates, sometimes the deaths were not even registered. I had to get affidavits from persons who knew people being buried and that takes a lot of research.

Then we called our lawyers are not going to make much money out of it, it's the personal representatives, and I'm very sure the personal representatives in many cases will not be any lawyer or lot of lawyers. Now, I'm not advocating anything, but these lawyers because I myself know that the majority of them make a lot of money that they could make a little less, but the law says both executors are to have lawyers who haven't got any conscience that's another story, but when they do work of course they must be paid. But, in this particular instance the personal representatives will not I'm sure be any lawyer, it will be some person related to the disadvantage of women, and that being the case I'm very much sure they can among themselves if they are reasonable and sensible decide whether or not this five percent will be collected. So, I don't think that is the big question, the big question in this, who will share the estate of these deceased people who never made a will.

Now, Mr. Speaker, I'm not afraid of dying I have a lot more to die for than I have to live. I have my will made, but very unfortunately I must say this very publicly not one soul will receive a penny benefit, not one thing. While I'm alive I don't let my money hand over fist, but if I happen to die before the good Lord says I'm not giving any of my heavings to anybody, I hope I shall be spared to use every penny I have. But, I have made my will and I feel that every sensible person should do the same, because you never can tell what will happen. In some instances people who have never contributed one penny to their parents support - gone to the United States, Canada, England or some far away country, they even disown that they were Ukrainian by birth, but you let them hear that their father are died, they are back here claiming every thing. More especially if the father died before the year 1947 they come and grab up everything and go, those who have stood here and bore the blunt and back of the burden of sick persons worrying to have them properly buried they are not taken into consideration. So, I think that every sensible person should make a will, but in the event that they do not we as legislators should provide laws whereby every person, him who is entitled should share equally in the estate.

I would commend Sir, that we insert in this law that those unfortunate illegitimate children benefit from their father the same as the so called lawful ones, and therefore, it should be changed to read "that any child which the mother has, lawful or unlawful, if she has intestate receive an equal share of her estate after the funeral and testamentary expenses have been paid".

MR. JAMES K. TRIMBLE: Well as usual Mr. President-it looks like the governing body over there does not like to get at their task too early. I would like to start this debate air by echoing the words of Lord Chesterfield when he said that advice is cold welcome, and those who want it the most always like it the least. I think this is going to be quite appropriate for this debate as well as some that we will have coming a little later on.

I would have to go along with my colleague from Golden Town in commending Government for the action they have taken in trying to codify some of these bills or some of them into another. But, I too would agree with him that on section 12 the notice for these resolutions make in the courts hereto should be changed, there should be some additional form of public notice. Not too many people visit the court house to take an interest in this, and we feel strongly that this should be advertised in the best medium that we have.

One of the faults that I would condemn as finding in this House is that we many Members always go on the assumption that they receive from other people. Now, the other Member my colleague from Golden Town and myself may appear to be fools many times, but at least we will admit it by coming out in this House and telling you how we feel. The other people will stand up and tell you we've had assurances from the experts that that is right, and because the experts have told us then we can do no wrong, we can see no wrong, it's like the old proverb, "See no wrong, speak no evil", and so forth. Mr. President, if at sometime in this House they would be willing to take advice from those two poor benighted fools from Golden Town they would not find themselves in the dilemma like they're finding themselves in the next day or so, when they will be prosecuting one law to the tune for amendments.

One point Mr. President that I'm prepared to stand here and argue a lot on is the issue raised by my colleague a while ago of illegitimacy, the way it is covered in the bill for the right of succession. We must remember that the illegitimate child is like the poor proverb, God has put them here with us and they're going to be with us until the end of creation. This is one of the many things in life that we really can't put under the carpet and hope it's going to stay there.

I would like to see some modification to section 29 (1) and (2) in regards to the disposition of the estate to provide maintenance more than what's covered now. We have certain sections in there dealing with the wife's interest or the husband's interest into an estate as a life interest. I being speaking without having too much knowledge to this that we should either take some amendment there, or when the Law Lords have some clarification from the Second Official Member as to how this would work, because I have seen cases in the Island of this life interest, and the life interest was costly in land and it would not be disposed of, it had no mineral rights that they could get a royalty on so in most cases although they might have been considered wealthy with this life interest, it was of no use to them. So, I speak without legal knowledge on this point, but when we come to the point I hope that the Second Official Member will be able to give us some enlightenment on this subject, either that or we will have to make some changes into these bills.

Section 25 (2) should provide or make some provision to cover illegitimacy. I cannot understand why the illegitimate child should not be able to share in equality with the legitimate. In claiming from the father if such offspring has been acknowledged by the father or if a court of law has declared that person to be the father. I am sure it would not take too much of a legal mind to draft an amendment to put this one in. I feel like if a person has an illegitimate child that they probably think as much as that child to an estate as one that is legitimate, and if the court has ordered that he maintain that child then that child should be able to share in the inheritance, we should not be creating two classes of people in our society.

MR. JAMES M. BOLLER: (Continued) We argued for a long time in this House when the Affiliation law was passed. I think the age was set in that law to where the father was responsible - I speak subject to correction, but I think up to the age of fifteen. Well, up to the age of fifteen a child is just starting to walk, so what are we going to do with him at that point? No recourse to further help from the father, so must he become a ward of the state? Because remember the Juvenile law that we have been discussing this morning, he cannot go on the street and beg anymore. So, when we draft these laws we should think how we draft them, we should think of the ramifications and the problems that can arise because of the drafting of these just because this law may have worked in some territory it doesn't mean that it's going to work and fit Cayman.

I'll follow my argument a little further, if under the Affiliation law a father has been told that he has to pay contribution towards the up keep of the child, and that father should meet in an accident or for some other reason pass away two days later, at that point the child has received nothing from the father, and then he cannot share in the estate regardless of how rich that estate maybe. Again, as I've said yesterday, if you're going to enjoy the fruit you should pay for it. In regards to claiming from the mother, again I cannot understand how that could be put in and expect it to be passed into this House, because if a lady did some indiscretion, brings into this world a child that we in society do not look on as being a pure love, must we brand that child as similar branded the Jews? Must we put the stamp of disapproval, so strongly on the forehead of that child that even in death of the mother he cannot share in whatever the mother may have had? We have this lady marrying at a later date, bringing other children into the world in her love for those children that she has borne through the matrimonial bed any greater than it is for the one that she has beyond wedlock of marriage? And, supposing that the lady in question was a very wealthy person and had inherited a lot of money from her father or her mother or some one else, must that illegitimate child suffer? Supposing Mr. President, that the illegitimate child that we're speaking of here is coming from that mother that the estate was valued at let's say a million dollars, and that child is only six years old but has two other members in the family, maybe brother or sister or whatever it maybe who are legitimate. Must we then say that that mother has left an estate of million dollars, and that child who is six years old must become a ward of the state just because we have been stupid enough to pass legislation here to say that that child does not inherit anything from the mother, no.

Mr. President, before I'm attacked on this subject but as we see this, I can probably go along with the other side of this House if the inheritance that the mother has to leave on her death bed is entirely one hundred percent free, that she has married later on in life, then I would say it may not be right for that illegitimate child to share into that. But, as long as that estate that she leaves has come to her from the sweat of her own brow or from an inheritance from some of her family or even if she won it from gambling, then Mr. President I feel that illegitimate child should have as much right as the legitimate one. I cannot understand the conscience of this House when we have bills put before us that seem these glaring mistakes and yet we will have people come in here and try to swear that it is right. Mr. President, in cases like this are we nothing like the old horses of old that would cure the buggies up and down, cause you put the blinds on and the only way they see is one way, right straight ahead. Because that appears to be what is happening in so many cases here, because I cannot understand how this bill could be read and not interpreted this way.

These children come into the world Mr. President, and they are not responsible for it, and I would like to know why society should brand them in the manner in which we are trying to do. They live under a stigma that is attached to their entire life time, and in the

MR. JAMES M. BODDEN: [illegible] twentieth century or the beginning of the twenty first century or much as we claim that we have reached the [illegible] age, then Mr. President sir in time that we enter the [illegible] are in practicing, in our actions as well as just saying we have just entered it. So I hope that when it comes time to committee stage that the powers that be will open their eyes and see more reasoning behind the argument that has been placed by this side of the House and somehow that although the two backbenchers Bills from Bodden Town might display their ignorance, it is better to display that ignorance openly trying to fight for something you believe in, than to display ignorance with blinds on and be led like cattle to slaughter.

Thank you Sir.

MR. CLAUDE H. HELL: Mr. President and Members, I have found myself in the position where I have to say a few words on this Bill. I rise in support of this Bill; this Bill is dealing in the administration of justice and if justice in the Cayman Islands is to be had, we have other laws on our statute books dealing or whereas according illegitimacy, but, at the same time if a father - which that seems to be the big question here, does not or will not own his child when he is alive I can't see how he can own it when he is dead. It is truly said that no one likes to deal with the making of his or her will being his last will and testimony. I think everyone of us is a bit reluctant in so doing, although we know we have to face it, we have to face the facts that's one thing that each and everyone of us will have to say and it is quite nice to make a will and we wish - the wishes I should say will go to some benevolent society if you die and leave something. And, if you die without leaving anything it's no worry.

... this Bill as I see it Mr. President, in my small way of looking at things I would say, is very consolidated. I formally compliment the Second Official Member on the introduction of such a Bill, and I feel if Members have to speak this Bill and expect for the arguments to affect the [illegible] of any individual's [illegible] influence the feelings of individuals - we have no our stance broke I'm sure [illegible] taking note of situations which they have spoken of, and with that Mr. President, as I say I compliment the Second Official Member; and I thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President, I thought that I wouldn't say anything at all on the law to consolidate the law relating to succession, then I saw the opposition down on half strength, I said, well I'll have to do something to help give them time but I see they are here in full strength. I do want to say that in listening to all that has been said, and certainly you have to have sympathy with the framers of Members on these things because they certainly have a lot of good thoughts. But, as far as I'm concerned Mr. President, I believe that my greatest contribution to this Bill will be made in the committee stage, but I think that the thing that stands out in my mind more than anything else - I must congratulate the Member for bringing this Bill forward, but the point that was made by some Members as I've said you have to be very sympathetic towards them for in relation to the illegitimate child.

Now, I feel today that no person, no child in this community or any other community should be the wise of what his parents could bestow upon him. Thank God I don't have any illegitimate children, but if I did I wouldn't wait for a court to tell me that I had to support my own child, and even other - and if in relation to the conditions laid down in the law, I would certainly take it upon myself to take sure that that illegitimate child was looked after even at my death. But, what I'm saying is that we have to be so careful about this because certainly we can with one stroke of a pen do far as I'm concerned destroy the society and the family life that we have fought to build. And, I know that there are strings and there are faults, there are errors, we all are human and we are not here to arrest people for that, but on the other hand I don't feel that I could stand here and rightly support the fact that the illegitimate child should be conditions a court should be a decision

MR. JOHN D. JEFFERSON: (cont'd.) ... he would share the same as the legitimate child. Because if I believe that then certainly I wouldn't try to live the way I do, but I believe today that as far as the illegitimate child is concerned that what the court must do, because like one member said here yesterday, "no man should be able to leave his responsibility on this government" Now, I want to make that clear that I don't support anything of that nature. I believe that the man that goes out and gets an illegitimate child like the first Senator from Pedder Town said, the child shouldn't be penalized, they shouldn't be made to suffer because of that, then on the other hand I think that it should be the responsibility if the father fails in his responsibility, it is the right of the court to make sure that the one that is appointed for the maintenance of that child pay them in enough to give him as good a footing financial support as anybody else.

I certainly want to say that I support the bill in principle, like I've said when we come to committee stage I'm sure that I'll have more to say in relation towards this bill. I thank you very much Mr. President.

SEN. R.A. REID: Mr. President and Honourable Members, I'm sure that the writers of the draftsman who drafted this bill had every intention of doing the right thing as they saw it, and I believe it can be made into a beautiful bill with a few changes.

Now, the first thing that I mentioned is the amount of money that executors can draw. No one is satisfied to leave his will to be administered by one man, he usually appoints two or more executors. Now, take a man leaving four million dollars and he's got three executors, and it may not all be in cash he may have a lot of land somewhere with other business people having an undivided interest so that he'll get five percent and that they get five percent on the overall estate each one of them. That's quite a sum of money, that would mean if you had three executors with a four million dollar bill you may be paying out six hundred thousand dollars. You may say that the thing to do is to leave your family - members of your family as executors, but there are obstacles there that you may have a son or a son-in-law or a daughter and daughter-in-law who isn't really capable of taking care of money, they may spend too much, spend it too fast then you want to conceal it, even after you're dead you'll like to do that; I think every man wants to do that. So, if you leave the will for them to administer, leave your family as executors they might find themselves in four or five years penniless, where if you had an outsider - because they may soften even though you may say that there are simple interest on your income and the capital you leave should be put in a trust, they can get between themselves and take a deal and screw it up and the next thing you know in five years they are broke, but if you had an outsider as one that couldn't happen, not five percent is too much I think it should be graduated. And, when an estate gets up above two thousand dollars it certainly should be questioned and brought down, and perhaps when it passes high as two million it'll come down to two and a half percent. But certainly five percent for each executor as I understand it, it might be wrong but that's how I understand it, each executor could draw five percent are it's entirely too much.

Now, about two - I too condemn the bastardy act. I think if a man admits that a child is his and he contributes to it, and he does and the law usually compels him to do so - we have a law that compels a man to support a child if he admits it, and if he can't prove that it isn't his. Certainly that child is entitled to an equal share in his wealth, since all he doesn't own the whole of it no matter which woman he had him by, it took two to make the mistake. And, that child is as much his by an outside woman as it would be by his wife, and he own every right to contribute to the support I certainly would, and a woman is even more so because it was didn't make up her mind it wouldn't happen. And, if a woman had an illegitimate child and later got married and had lawful children by another man, she owes that first child a greater

CAPT. A.A. FEIDI (CONT'D): obligation than she does two or the ten or three that came after, so I concern that completely. The child is not responsible for being here - just sad and woman God didn't have anything to do with it either, because if they didn't make up their minds - the woman didn't make up her mind and the man something else it wouldn't happen; God had nothing to do with that. So, it's a case of - I think ridiculous to leave the illegitimate child out like that, it's asking - what are they going to do with him then, are you going - if he's young let us say he's four or five years old then you'll make him a public charge, then this Government will have to support him, and we can't afford to finish our roads. [Members laughter] And, I will tell you, dinner my boys the worst is yet to come.

There isn't much to elaborate on, I think unless that I agree with the bill but those points - the capturing of that or the recapturing of the fee that a lawyer as a executor can charge to manage the affairs should be recaptured and brought down. The higher the cost of money the less value is placed on this will, the smaller the commission should be. There is one thing I think that has I feel - certainly can't call names, I can only allude to certain things, but, [illegible] - a lot of a attorney work on with the registrar, for instance, a will coming before him or any other documents he should look at the document and see how old it was whether it was a for-probate or whether the man was sane to sign it one or three days before he died when he was [illegible]. I know that has happened in this country and I am glad to see in section 21 there is, perhaps it's an old one, but it does say that the clerk of the courts having the custody of wills, and under the seal of the Court or a copy of any such will proved in the Court certified under the hand and seal of the public recorder. I'm sure that in future any will coming there if it appears to be thirty or forty years old that when he looks at it that he'll be able to tell that. It's only two months old.

I thank you Sir.

MR. SPEAKER: Does the honourable mover wish to reply?

HON. W.W. CONNOR: Mr. President, I am supporting this bill generally Sir. As the memorandum of objects and reasons point out that the bill, in most cases seeks basically to consolidate the law, the present existing provisions. In the case of section 6 on the payments of commission to the personal representative, I have some reservations about the last part of that where a testator having stated a sum to be paid for services in his will, that the executor could elect to change that figure as stated to benefit under the first provisions of the section; that is five percent. And, I am certainly willing to listen to arguments and possible areas of amendments to this particular section when we go into committee. You others names that have been mentioned earlier involved, and I think that we can best deal with them at the committee stage where I am sure they will be given full airing and explanations.

I thank you Sir.

HON. C.E. WALLENGREEN: Mr. President and honourable members, as I indicated in my moving of the second reading of this bill, the bill does not provide for any changes in the present law, everything that is contained in this bill is the law at present with the exception of portion of the amendment to the share to which a surviving spouse is entitled on intestacy.

So far as the suggested amendments which certain members stated that they would like to see made in the bill, and that of course as a matter that will be considered very carefully in committee, and of course the will of the committee will prevail and I'm sure sure that at that stage we will be able to arrive at amendments which will conform the will of the majority of the committee. Sir, there isn't much more that I can say Mr. President and Members, I thank members for having debated the bill in the manner in which they have and for having brought these matters to the attention of us all, and at this stage I warmly formally move the second reading of the bill.

QUESTION PUT: AGREED. BILL READ A SECOND TIME

HON. G.E. MACDONALD: I wonder if I could at this stage Mr. President, move that the bill be committed to a special select committee of the whole House.

SECONDED BY HON. D.V. KNOWLES, Esq., Q.C.

QUESTION PUT: AGREED BILL REFERRED TO A SELECT COMMITTEE UNDER THE SAME CONSTITUTION AS UNDER THE PREVIOUS MEETING WITH THE ATTORNEY-GENERAL AS CHAIRMAN, AND THE QUORUM TO REMAIN THE SAME (7)

THE PENAL CODE BILL

CLERK: THE PENAL CODE BILL, Second Reading.

MOVED BY HON. G.S. MARTINCHUK, C.B.E., Q.C.

HON. G.E. MACDONALD: This bill Mr. President and Members, is yet another of the series by which I have referred, the series which were introduced in March of this year and is without one of the most important of the series.

The present penal laws of the Province are contained in some twenty-four different statutes, and in addition to this there are many types of conduct amounting to criminal offences which are not contained in any statute at all, but instead depends on the common law, in otherwords common law offences. Now, some of our penal statutes dated from a very long time ago as the consolidation of statute and common statutes were of them from the middle of the nineteen century. And, they were written for a period of time when we were a dependency of Ontario which was then a colony and these statutes were written in that context.

Now, as lawyers find as they use from time to time a lot of these statutes contain archaic provisions, they contain a lot of confusions and inconsistencies and it is thought that the time is now right. Now we thought try to correct some of these anomalies, and take the opportunity to bring these laws into line with conditions as they exist today, and what is more to combine them all into one statute namely a penal code. In doing so, we will be following a procedure which has been adopted with success in many other parts of the commonwealth, and it will result in the criminal law - the penal laws being revised and brought right up to date, and so that in ascertaining what the criminal law is on any particular subject, then instead of consulting several different volumes one will only have to consult the code.

This code has selected not only all the present penal statutes, but it also includes as I have mentioned the present common law offences and the common law concept of criminal liability. A great deal of what is currently for instance in part one of the code, the preliminary matters such as ignorance of the law, mistake of fact and motive etc. are all concepts of the common law which previously had to be sought from the various text books dealing with the criminal law in order to ascertain just what the common law rules and principles were in respect of these various subjects. And, so the good thing that this code will do will be to codify these common law principles and make them quite clear to not only the judges but the practicing lawyers as well, and so this will go a far way towards clarifying and making the law more certain with respect to these offences and with respect to the general principles and concepts of criminal liability.

HON. C.B. BAGGLEY (CONT'D): Thank Mr. President and Members in connection to the Criminal Procedure Code Bill which has already been dealt with in committee, and the schedule I, of the latter bill, the Criminal Procedure Code Bill sets out the mode of trial and the various offences which are contained in the Penal Code and the manner in which those offences will be tried as to whether or not there will be right power of arrest in respect of the various offences set out; that is the power of arrest without a warrant.

It is a very long bill, Mr. President and Members, and certainly one would, in keeping with the procedure that we have adopted in the other bills will have to be referred to a Special Select Committee as well, and so I don't think I should say much at anything more about the code itself, I expect Members have studied it very carefully and in the course the various sections will be gone into and humpreys can and perhaps even amended in committee.

I commend the bill for the consideration of members, and I hope that after this bill has been passed that Members and the general public including the lawyers will feel that we've gone a long way in clarifying and codifying our criminal law.

SECONDED BY HON. D.V. MATLEY, ESQ., J.P.

QUESTION PROPOSED:

MR. JAMES M. BODDEN: Mr. President, I wonder if the House would entertain at this time a motion to adjourn until tomorrow, being this is such a lengthy bill. I have to admit frankly I'm not through with it as long as I've had it and it's about twenty-two millimeter lens enhanced and I wonder if the Members would not go along with an adjournment until tomorrow.

Thank you.

SECONDED BY MR. G. EMIL BODDEN

MR. PRESIDENT: Yes, the question is that this House be now Adjourn ----------

HON. A.M. DOUGLAS: Mr. President, I disagree with that for because this bill have been in the hands of Members for seven days and we're only taking the second reading of the bill. It's only the merits or demerits of it, and as has been stated by the Member moving this bill, we are going into committee where the bill can be studied clause by clause, and I fail to see at this time this is the only reason for adjournment. So, I disagree with the adjournment at this time Sir on this particular matter.

MR. JAMES M. BODDEN: Mr. President, I have my right to reply to that Sir.

We are dealing with a new bill, a bill which is trying to codify and put together twenty-two of our old laws. The mover of this motion himself in this bill himself has told us that in many cases we are incorporating into this bill sentences and so forth. Times are not on any statute books because it is dealt with on the common law. We are dealing with a bill that embraces just about everything that would cover Legion of a criminal nature, and Mr. President seven days is not a long time for the Members of this House to try to read and compare twenty-two old laws with the one that we have now, plus the other bills that care before this House.

Now, it maybe case that seven days is sufficient for those Members who may have no other work to do, but there are some other Members in this House that have to wear two hats and maybe do two jobs. And, I would have no objections Mr. President

MR. JAMES H. TURNER: I don't to going on with this session if the Member who objects/it would like to put up and debate the bill until closing time, other than that if it is left to where debate would be killed and go into the second reading. Because in the committee stage, because at the second reading is where we as Members should have our chance to say to put forward anything that we may disagree with on this bill. So, I have no objections to continuing on if the Members on the Government Bench would like to take their part and debate the Bill until the regular closing time.

Thank you Sir.

HON. D.V. WATLEY: Mr. President and Honourable Members, I can see the point with the Member from Bodden Town wishing to delay this debate, but also I can see the Members of Executive Council who would like to get on with it. Now, the thing I am just wondering is whether instead of adjourning the House and leaving the Radio Bill and the Higher Education Bill/whether - if it is the wish of the House not to debate the second reading of this Bill, Code, whether we could go on with the others we are not to have outside/the without any concern, and the next day rather than adjourn.

MR. PRESIDENT: I take it that you're formally moving the adjournment of this debate.

HON. D.V. WATLEY: I would move that if that is the wish of the House. I would move that the adjournment of the further debate on this Postal Code Bill, but that we go on with the agenda as before us - "Order of the day".

MR. PRESIDENT: Is there a seconder?

SECONDED BY HON. W.M. CONOLLY, CBE., J.P.

QUESTION PUT: AGREED.

THE RADIO BILL

CLERK: THE RADIO BILL, SECOND READING

MOVED BY HON. A.N. BODDEN, J.P.

HON. A.N. BODDEN: Mr. President, Honourable Members, as we presently do not have a Radio Bill, we have a Wireless Telegraphy Bill which is very much outdated and does not comply with the National Communications taking place in the world today. And, since we have shown to have our own Radio Station it is thought that this is an opportune time to produce legislation governing the subject of Radio communications, and so that is the purpose of this bill. I don't think it is very controversial, I think it's pretty straight forward and of course we want to have a good debate on it this evening. I welcome debates on things like this and hear the views of the Members, and I'm sure we can expect this from our two friends from Bodden Town, and I look forward to hearing their views on it and hearing some good debates from them. If they have some better suggestions than what are in this law, we would like very much to hear them and so Mr. President and Members that's all I would say, and I hope that we do have some good debates on this particular bill.

SECONDED BY HON. D.V. WATLEY, CBE., J.P.

QUESTION PROPOSED:

MR. JAMES M. RODDEN: Mr. President and fellow Members, I would not want to disappoint the opposition so I'm quite willing to just tweak it a little bit in having the first speaker. If Aubrey Arnold Bennett said that the price of fame is eternal publicity. Mr. President, I would hope this evening that we could get a unanimous decision from this House that those words will be the worst word of the new Radio Station of the Cayman Islands.

We have noticed words in this Assembly Debate concerning the Radio Station. We do not object to having our views into the record books, we'll like to know that Cayman is becoming an Educational place, but in becoming important Mr. President we also do not want to sacrifice some of the many things that we as Caymanians have enjoyed. One of the things I am significantly mentioning Mr. President is, that we are very hopeful that now that the Radio Station has become into day a fact, that the radio station will be used to mirror in all respects the true meaning of Cayman and Caymanians. We are hopeful that the Radio Station will not be used in a subtle form for political publicity. If we have to ingest politics Mr. President, then I think if politics should be aired on the Radio it should be with equal time for both views or maybe four views if we have that many views in this House. I would not want to know that just because this Radio Station is controlled and owned by Government that the Government hereto would be the only people that could use it. I would not want to know that we have a subtle form of advertising by saying that so many shows were delivered to the Hospital today, by the Honourable so and so and so on. This could be a very subtle form of political advertising.

Mr. President, the whole world is changing and I guess there is no reason why Cayman should be any different, because I saw in the papers just a few days ago where for the first time the House of Commons in England was allowed to be on the radio, and the comment on it was that the people did not seem to enjoy it, and I am sure that when if the Members on the Government side would like to use it in the method that I spoke of awhile ago, the reception to the public maybe the same as it was to the Houses of Parliament in which they really did not really accept it. I would want to know that when this Radio Station goes on the air that if the Members of the Leeward Islands should wish to speak on opposition they could do so, and also the two enlightened Members from Sister Isles.

Mr. President, it is true that our Island is just becoming a Jet Centre. The old sign that we used to see years ago that the Islands Like Cayman is really no true anymore, we are receiving land marks every day of our life. We have now our new Airline, we will soon have a new dock, we have a beautiful Administration Building, probably one of the most magnificent Generally Principal in the West Indies and a Beautiful Court House, and maybe if the taxes holds out we will even get a road to Bodden Town. But, now we are more going further than that that we're going to arrange our own Radio Station and have a voice that will be on the airlines or the airways of the world. People tend to reminisce. A lot, they talk about the good old days; turn change have Mr. President, as they change through the world. I am sure that most of us who are assembled in this Hall this evening could've imagined twenty-five years ago, that this little Island of Grand Cayman would be leaving such large foot prints on the sands of time, so even thank that we are to the stage where we're having our own Radio Station. I am sure that in reminiscing that people would do the same as I do and you would think for the people who have predeceased you, your grandparents, your great grandmothers and so forth. And, by mentioning that I would remind Members that both my grandmother and my great grandmother lived to be approximately eighty-eight years of age. Now, I'm only forty-four at this time Mr. President, and I'm hoping by the will of God that I will be allowed at least another hundred more for known Members on the other side to hear me speak.

MR. TRIBE M. MACARTHUR-DOOLEY: Mr. President, I could have welcomed this bill very much if in section 4 ( ) it had been enlarged a bit to cover Radio and Television. You, we may hear the shouts from the audience that we're not ready for Television and that television will corrupt the morals of the people. I would like to say I personally Mr. President do not care that much about television, and I'm not here to espouse the cause of television for any group of investors or anything of that nature, but I'm trying to touch on it as something that I think that is prevalent at this day and time in our existence. I don't believe it would have cost that much more, you will possibly tell me that the Radio Station has a gift, well, if we were getting the gift maybe they might have been benevolent enough to give us the second gift, or if not we could probably had stolen/things a little bit and borrowed some more money to set in the T.V. Station. One thing I noticed here in that section that I do not really care that much for, and that is the bonus. It seems like everything we do we create boards and committees, we will soon have so much bureaucracy that we will not be even able to get the Radio on the air-waves of the world.

By having a Television Station Mr. President, I'm of the opinion it could strengthen family ties, it would give some form of entertainment in the home. You can have some very good television programmes, some people will enjoy them, and you might find that if you had the television station you might find more people at home. By the book taken the doctors may tell us that the birth rate would go up and that the country could not stand such a thing with such a fragile economy I will have to admit that all of these things Mr. President could be true, but it would also be educational because instead of the young people of today having to say to find themselves entertainment by standing on the street corners building up the street signs or the banks, or going to the bars looking for dope and alcohol, it might be something that would entice them to stay in their normal habitat? I do not believe Mr. President, that any of us should entertain any fear that by having a television station operating even say six hours a day, that it would in any sense replace the present situation or anything of that nature, because your Public theatres and your other sports and the cinemas will still play a very important part and will still go on. So, I am hopeful that even though we're not getting it today that maybe by the time this debate is over that I have finished, the other members on this side of the House have spoken and my good colleague from Bimini has wound up from this side that maybe the Minister of Communication and Works will get up and tell us that he's going at the next sitting to introduce a bill for television for the Islands.

Mr. President, down in section 3 (1) (d) I see that that beautiful word is creeping in again, "discretion". It has been modified a bit here by saying he use the word "condition", and "limitations". But, Mr. President anyhow we look at it it is still discretion, and I believe the people who framed these laws are smart enough and able enough to give us a broader definition of what they exactly mean by these words, that to say be more it to the point where it is really opened to such discussion. Discretion is a word that should be taken out of our dictionary when it comes to this, we should not have it.

Section 7, that entire section Mr. President in my humble opinion should be struck from this bill. We have no guidelines set down in number 7, it is too broad, we leave ourselves opened to too much discretion, and discretion Mr. President is a known fact that can cause us the same things that we were arguing awhile ago in regards to illegitimacy. Because, for the lack of discretion we have such bad things happening, and we do not want to know that the same thing happens in our Radio too. We want to know that there is so discipline that there is so much that when the Bahamas say something or the house says something that is the end of it, there is no more discussion.

MR. JAMES K. BODDEN: (Cont'd) Section 8 (2), that one I must admit Mr. President has puzzled me trying to get the understanding of it. What are we afraid of? Just because a Radio or items about a ship or an aircraft or some machine or even in your home and is not working, you're going to put a man or subject a man to the fines and penalties that we have in this law. I could see maybe the point of saying you wrote continuously it, but if the Radio is not working why are we going to such drastic means under this Law? It seems a bit ridiculous to me, I'm sure we don't have anything that we want to hide that much that we would be afraid of persons using this Radio Station which cannot work at all. I really at the appropriate time would like more explanation as to the meaning behind that.

Section 8 sub-section 3, again Mr. President it seems that we are following on one bad precedent on to another. Again it seems to me like we are Europeanizing the code of British Justice, again we are putting the man or person charged back in the position of where his guilt or not being guilty must be proven by him. I was always under the opinion that the normal mode of British Justice was, that the prosecution must prove you're guilty. We have championed that just to follow the rest of the independent territories in the West Indies like we have followed some of our recent laws that are before this House today, then Mr. President I'm afraid that we're going to follow that down the path to destruction like what they have in their own respective countries now. I feel strongly that we should adhere to the British Code of Justice which we have had for these number of years, and not try to bring in something that you will tell me the independent countries of the Caribbean have brought in in the last few years; should we follow them we will find ourselves in the same predicament that Mr. Webster finds himself in in Anguilla now, where he doesn't even know what kind of constitution he's got.

I submit to this House Mr. President, that for too long our laws are being tampered with, our heritage and rights which we have lived under for these generations are being thrown aside just for someone to frame us laws that sound good to their own ears, it is time we did away with that. Recently we've had many - What we have here, but I say this without any fear that were passed through this House at the objection of Members on the receipt of empty jumpy and we are here back to this Session to change those very laws to give the people under those laws the rights that British Justice says they must have. And, Mr. President I do not care who wrote this or who is responsible for it, but I think sections as this in the Law should be changed.

Section 10 (1), again Mr. President I do not fully understand that one. We are asking the people to report as you would in Castro's Cuba what your neighbour is doing, and so forth and so on under this section of the Law:

Now, Mr. President having a Radio in your possession in my humble opinion is not as dangerous as some of the things that we have going on in our country today, and yet we do not ask people these questions. Why'd any Member of this House care to tell me whether a merchant on this Island can sell a gun or the pharmacy down here can sell any kind of dope or anyone could sell arsenic , are they required by law to come and tell somebody what that they have done it? Mr. President in case you are not aware of it, I have heard a strong rumour that a certain establishment in this town has a nice supply of guns which you can buy. Now, are we making that merchant to come to the police station the next day and tell them that Jim Bodden went in and bought a gun? I am sure we are not doing that, so when we are passing such things as that go by Mr. President why do we attach such importance to a Radio. Is it because we are so afraid that things from this Islands have gotten out abroad? You know it is things like that that bothers my imagination.

Under section 11 (1), that is very broad. Mr. President says any public officer - I think we would want it into this bill that the public officer we are talking about must have electrical and technical knowledge. I do not think that we should leave it to the part Mr. President, where the checker at the dock or the janitor at the

Mr. James R. Burnett (CONT'D): new administration building or the lift operator in the new administration building could be appointed to this position. Now, this is very wide, we're dealing with something that none of us at this point know that much about, we are trying to bring in a new Radio Station, we are having to bring in a law to cover that. But, in doing so Mr. President we must not in anyway affect what is already on the Island or what has happened in the past. We must not come in here with this new Radio Station as the Russians did with the voice of America where you try jamming and you try blocking, we still want to know that we can hear Miami, we still want to know that if a ship in two miles off the Beach wants that we can hear her on the radio. Now, I have heard a rumour maybe it is just a rumour, but Mr. President we will not allow any jamming on this Radio act.

Section 12 (2), the right of search warrant. I will agree that probably that right could be extended to an aircraft as to a ship, something that might be moving away from your shores but I could not agree Mr. President with the word peaceless in that, that could be as you know. And, Mr. President I would not mind getting you if in may my house and someone shows up and tells me he comes to see if I got coca and such a rotten act, and he's coming into my house, with them one of us Mr. President must be moved away from there, because you are then putting yourself in the point that you are taking away from us every junction that I as a citizen of this country should have. That man whoever he is unless I agree as it is not going to enter my house under these conditions. So, Mr. President, why should we inflame the passions of this community by passing such a thing into a law and maybe some innocent person having to suffer the consequences under this lary and hairy Penal Code that has been brought before us.

Section 12 (3), he can come in my house without a search warrant and he doesn't even have to produce any credentials for me to tell me who he is. I am sure that we can do better than that - and I will read it, "An inspector shall be furnished with a certificate of appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) and shall, if required to do so, produce the certificate to the person in charge." Mr. President that should not be if required to do so, we should have the word in there, "must" - must produce it. But we just leave this gate spread, like Bully/Sodom Enough is maybe too big.

Now, if we were going to cover as I am sure my learned opponent on the other side will say that all of that is covered in Section 12, then Mr. President - I am not a lawyer, I have no legal knowledge, but if that was covered and intended to be in section 12 to cover section 11 in my opinion section 11 and 12 should have read together or section 12 should be which section 11 is.'

Section 19 is where we go to the penalties. Again Mr. President I think we are putting some heavy penalties on a law that is spoken in my humble opinion is really not that dangerous, when I compliment that with the fact that I have been studying for several days, Mr. President it just does not make sense. We have a penal Code standing before us that I would say, for help the man that has to be tried under it in most cases. And, it would be good to maybe that Penal Code Mr. President if a person had not studied it before I can understand then why we can do it in seven days. But, Mr. President under section 19 I do not think that we should put such heavy penalties on what could be such a trivial minor offence.

On the schedule 8 (5), Mr. President again we are creating another one of these Constabularies. We are creating a board and we are giving that board the power, you're giving that chairman two votes. Now, Mr. President that would be the case as in your rule as member of this House, how could you as any other man be the speaker of a House and sit in that chair that we must pay respect to if you got to sit in there with a partial mind. If you have the right to vote at the beginning, and then you have the right again to cast another vote to

MR. JAMES W. BOOBER-(COUNTY): break it. that is injustice Mr. President and in my opinion that is why we appointed a speaker, so as that there can be impartiality, so that we can not point a finger at any particular person and say that carries the majority. So, Mr. President I am hopeful that when it comes to changing this in committee that the Members will see with us that that should be changed.

Schedule A (7), again Mr. President I could not go along with such ridiculousness. You must tell me that we constitute a board on the law which will be constituted when this bill is passed, and that if that board makes a decision and it's wrongly constituted that its rulings should not be affected by it. Mr. President, that you might as well say that you can break any law and not be affected by it as to have the validity of the proceedings of this committee not be questioned if there is a defect in the appointment of a Member to it. I wish I had the time Mr. President to tell this House this evening of cases that I know that has happened in this Island with boards wrongly constituted, and the decisions have been ignored my cases. I will tell you of one Chair case, our Board of Education Mr. President, and if any member of the House wonders why I made the statement I in order the registration bill that came before us - the Loan Educational bill a couple of days ago. Let me state my reason here; under the old education law Mr. President it provided that any meeting of that council had to be convened by the Administrator or in his Command a Member duly appointed him by writing I think over a period of two weeks in advance. We have had cases go before that Board where it sat in George Town Mr. President and the Administrator was in Cayman Brac, and the Administrator has told people including lawyers that he had made no appointments to fill the chairmanship of that Board, and yet the board was chaired by someone else and when the case went to court a letter dated about a month before that under the signature of the Administrator was produced in evidence, and the Judge upheld it and would not admit the Administrator to come and take the witness stand. Those are the casualties that have been created in our island, those are what we are afraid of Mr. President that is why we attach such significant to things like this.

We have had the same story with three of four Members voting on it that had never been appointed to the Board. Mr. Brown as a teacher was the official appointment that went out by the Government, Mr. Smith, Mr. Eden or what ever it was, and then when the board met and took decisions which were contrary to every surmise to British Justice, and we find Mr. President that the persons sworn by Government by Public notice under the law had not attended those meetings, and it had been a proxy by them given to one of the other teachers because they had to go down the beach and swim and they told the next teacher to go. Now, Mr. President these things have happened, then you wonder why we come in here sometimes and will not agree Sir.

MR. BENNETT O. BANKS: How long ago?

MR. JAMES W. BOOBER-(COUNTY): I would not care to name some people. No reference to you Mr. Banks. I think as far as I know I have no axe to grind with you in that respect about you have been done, but if I did I would be hard and say it.

But, Mr. President these are the kind of things that can easily take a man angry, and these are the kind of things that can put a man in trouble, and these are the kind of things that Wall itself Mr. President has said in the past. We know there is an honesty but we have nothing else to do but to support the motions And moves of the Administrators on your territory. That is going to the highest authority in the land and that's what we put them in, then Mr. President we must look in here as sensible human beings and agree to something like this. We're going to put a man in jail for six months if he breaks this law, we're going to fine him large amount of money, but we're going on to do it with a board that is not legally constituted.

MR. JAMES M. BODDEN: (CONT'D): Mr. President, this Radio Station. It must in truth be a beacon of truth and fairness for the people of this Island, and unless it can be that let us not go any further with this Radio Station. Let that beacon of truth and right shine forth like the statue of Liberty in the port of New York who has held out her hand to the immigrants from Europe.

A lot of responsibility Mr. President rests on the shoulders of each and everyone of us of this House to ensure that this law will be carried out fairly, justly and wisely at all times, and that Radio Station will never be used a propaganda tool. And, I wish to remind Members of the House, that if they thought my words were not strong enough this evening that my colleagues and myself God's willing intend to remain the formidable opposition that we have been in this House up for and as long as we stay here if God's willing, we intend to remain that way. We are not going to accept any bill that is brought before us and that we are told I spoke to Mr. Tom Brown, and he said that's a good bill. Mr. President, that's not good for us, I'll display my opposition in this House every day if I have to stand up for what my mother is, and for what my own little half ounce of brain tells me is correct. When you prove me wrong Mr. President, I'll be very glad to sit down and I'll be meek and mild, but until then Mr. President I must stand on my belief.

And, I would remind this House that Disraeli who was one of the greatest British Ministers England ever had said, no Government can long be secure without a formidable opposition. And, I promise you that as long as we are here God's willing you will have this formidable opposition, and I believe you that when you go on the Radio Station, if you're going to go on it politically the two Bodden Town Members are going to go opposite you. Thank you.

HON. W.M. CONOLLY: Mr. President, we are considering before us the merits and demerits of the Radio Bill. I have been a little bit taken back because I am surprised that the Honourable Member didn't move for the adjournment of the House for him to study this bill. Because apparently - and I'm saying this with the greatest of respect, I don't think that he really studied the bill.

This is not broadcasting, this bill is to ordinary to set up broadcasting and telegraphy within the territory. If Members would direct their attention to section 3 of this bill I think it states there very very clearly that this law has no application to radio and television receiving sets primarily designed to receive transmissions intended for direct reception by the general public.

MR. JAMES M. BODDEN: Mr. President, with due respect I think the Member is out of order. I don't think that he realizes that a television set is a different thing from a television transmitting set Sir. I think he is very much in ignorance at that point Sir.

HON. W.M. CONOLLY: Mr. President, I think I've listened to quite a libertarian speech and I thank the House had a quite a libertarian speech, and I think I'm entitled to my interpretation of the law which I stand subject to correction, but I feel I'm right that the law says exactly what it says that - a lot of mention has been made by the Member, in that people can't have radios in their houses, you can't do this and that, and you can sell guns, but that an ordinary person can't sell radios. This the law says it has emphatically in three, that this law has no relationship - no application to it. What I'm saying is this, that if the Honourable Member would direct his attention to the wording of Radio, and I think that maybe he would see a little more clearly.

Much has been said about broadcasting and what will be broadcast on the Radio Station. I don't think today that this is what we are here debating at all, I think what we are debating here is a technical bill that has been designed to control the broadcasting in the territory, which I think is very very essential. If we are going to have broadcasting, if there is going to be a medium of control necessary

HON. W.N. CONNOLLY (ROSCOMMON): legislation now to be drafted. And, this is fair as I'm concerned is misleading to tell people that you have to let people know who you sell radios to and all this - person in the shop. This doesn't say so at all.

The bill Mr. President, as far as I see it a bill that is necessary. I think the paragraphs here the flow is stringentand they should be - they should be any type of subversive or other powers in this Ireland who would be broadcasting and I think this is the thing that we have to be very careful about, and I think it is necessary to have legislation.

Now, one point that was made and was made very strongly by the Member, was that as in section 6 (3). And, this is no infringements of the normal rights of people, it says in any legal proceedings for contravention of any of the provisions of section 5 and 7, and that is what six and seven relates to the unlicensed broadcast or unlicensed apparatus, the burden of proving the existence of a valid license in respect of any radio or telegraph station or apparatus as the case maybe shall be upon the person charged.

Now, Mr. President surely we are quite aware of practical terms, we are quite aware of practical applications and I'm sure that Gardaí have still acted within that one of the first things your - commandingfficer going to the job on board of a ship, one of the first things that he has to do is to display his license. I think this would be very very familiar to the person, and failing that, if the police questions anybody for any licensen , even the drivers license the proof consists on the person who holds that license to produce it. I don't see any infringement of the rights of a person; if I have a license that to operate a radio station I as the holder of that license and the proof is on me to produce it. Infact I think the original of any document is the one that isproduced in evidence to the court, and shows that the person who holds the license would be the person in possession of that original document. I see no infringement of the rights of any individual in this case, I think this is normal precaution in a lot of things. And, I feel today that this has been magnified out of proportion and it should not have been so. Surely there has to be someone to issue licences, surely it would be done on a basis of an application and if a person met the requirement of the standard set down the person receives the license and there would be no objections, there would be no infringements of the justice of any Government any one it he's asked to produce such a licence.

As I saw this law, and as I've said much has been made of it, but I think the whole concept of the matter has been taken out of context, because this law does not relate to an ordinary radio receiving set that is in one's drawing room or that is in one's shop for sale. And, how used radio here has reference to the use of radio waves - and see what radio waves mean. Radio waves means electromagnetic waves of frequencies lower than three million megahertz, propagated in space without artificial guide.

MR. JAMES M. ENDERS: A point of order Mr. President, is the Member trying to convince us of his technical ability?

HON. W.N. CONNOLLY: I am trying to counter Mr. President a liberation speech that I heard coming from the Member. I'm trying to see if I can put some debate in the merits of this particular law which has been so thwarted as I see this Radio Bill, this provides for the licensing of Radio; and as I've said before, I think it's a good one. I'm sure that the Radio Station that is coming, being a Government Station I don't think that would acquire a licence. I'm not sure but if it does I'm sure it would be issued under this particular law. But, this law would guarantee that if there is any attempt by any individual or any corporation to establish any other broadcasting or radio station, that a licence would have to be granted. This is not an unusual thing, we have this situation today, we have here where we have these draconian acts that people have to

HON. W.W. OCKELLY (CONT'D) have licences for, we have people here in companies who operate services like trucking services and I think the taxi services, and they all have licences too these issued by the proper authority under the Telegraphy law. This is becoming something that is developing gradually and I think it is very necessary that this particular piece of legislation has been upgraded. I feel like this is necessary, I don't anything in this law that has any relationship to any education board or anything else, and I do feel like we could probably stay here and debate on things that are not relevant for quite a long time. I feel like the bill is probably technical and I dare say if the Harbour has any fears of the broadcasting and probably the control of that I'm sure will be in the nature of another bill: this has nothing to do with who's going to speak over the Radio Station or who's not going to speak or what programmes or what not. This has nothing to do with programming, this is primarily as I understand it, primarily a technical bill to control the setting up of broadcasting in this territory. And, like as I've said before probably the Government Station which is a Government Station, it's nothing in this that says that a licence will be granted, but I know why that under the same technical services the Government station will be operating. The concept of the programming of broadcasting and what is going on the air is something quite differently.

Mr. President, the Member introducing this bill I think should be complimented on attempting to have legislation of this nature on the Statute Books, and I support it.

MR. SPEAKER: I think this might be a suitable time to adjourn tonight, it's twenty-five past five and I would like Members to feel that they're not under pressure of time for their speeches. If this motion is passed ----- --------

ADJOURNMENT

MOVED BY HON. D.W. MILLER, C.B.E., J.P.

SECONDED BY HON. C.E. MATTHEWSON, C.B.E., Q.C.

QUESTION PUT: Agreed

AT 5:25 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY, 2ND JUNE, 1977.

THURSDAY, 26TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, SIR. RICHARD RUSSELL, GCMG - PRESIDING

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. MAHLER, CMG, JP	FIRST OFFICIAL MEMBER
HON. C.B. WADDINGTON, CMG, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. G. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. MARCUS ASHTON	WEST END ELECTORAL DISTRICT, BODDEN TOWN (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. R. O. WILLIAMS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR HEALTH, EDUCATION, SOCIAL SERVICES AND LABOUR)
HON. M. W. GOMALEY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, WOOD, AGRICULTURE AND SURVEY)

ELECTED MEMBERS

MR. T. M. FARRINGTON, OBE, JP	SIXTH ELECTORAL DISTRICT, WEST BAY
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MRS. ANNETTE T. BODDEN	SECOND ELECTORAL DISTRICT, BODDEN TOWN
MR. CLAUDE BILL	SEVENTH ELECTORAL DISTRICT, GEORGE TOWN
CAPT. A. D. REID	THIRD ELECTORAL DISTRICT, BODDEN TOWN
MR. JAMES M. BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. EDMUND BANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY
WEDNESDAY, the 25TH JUNE, 1975

1. CONFIRMATION of MINUTES OF MEETING HELD ON 18th, 19th, 20th, 21st, 24th, 25th and 26th March and 1st May, 1975.

2. PRIVATE MEMBERS' QUESTIONS

MISS AMELIA BROWNE (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE E.O.BRINGAS MEMBER FOR MEDICAL, EDUCATION, SOCIAL SERVICES, LABOUR,ETC.

(a) HOW MANY PROVISIONAL TEACHERS ARE EMPLOYED AT THE COMPREHENSIVE SCHOOL?
(b) HOW ARE THOSE CERTIFICATED TEACHERS NOT EMPLOYED AND WILL THE MEMBER STATE WHETHER THIS IS DUE TO WORKING CONDITIONS AT THE SCHOOL, OR THE SALARY SCALE WHICH IS BEING PAID TO CERTIFICATED TEACHERS?
(c) WILL THE MEMBER STATE IF THE RESULTS AT THE COMPREHENSIVE SCHOOL IS CONSISTENTLY UNDER THE SUPERVISION OF ANY GOVERNMENT MEDICAL OFFICER?
(d) WILL THE MEMBER STATE WHY IT WAS FOUND NECESSARY FOR THESE MEMBERS OF THE GOVERNMENT TO VISIT CAYMAN, TO INTERVIEW PROSPECTIVE TEACHERS?

MRS. JOAN D.JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE A.B.BODDEN,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

WOULD THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN BY CAYMAN NETWORK LIMITED TO RECORDING THE SERVICES AT A CONVENIENT PERIOD IN THE MIAMI OFFICE SO AS TO SUIT ALMOST ALL INTERESTS, IN VIEW OF THE MANY COMPLAINTS RECENTLY REGARDING THE LACK THEY HAVE EXPERIENCED AND MAY WELL BE AWARE BY LACK OF THE SERVICES BEING PROVIDED BY THE LOCAL AUTHORITIES.

MR. JOHN D.JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HONOURABLE A.N.CONOLLY, LAND,J.P., MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES,ETC.

WHAT STEPS ARE BEING TAKEN TO ENSURE THAT PUBLIC RIGHTS OF WAY AND RECREATIONAL AREAS TO BEACHES ARE BEING INCLUDED IN THE DEVELOPMENT PLANS AND TO ENSURE THESE RIGHTS OF WAY ARE PROPERLY SECURED UNDER CONVEYANCE CLOSURE?

3. GOVERNMENT BUSINESS:-

BILLS:-

FIRST READING

(i) The Radio Bill (Continuation)
(ii) The Penal Code Bill
(iii) The Public Health (Amendment) Bill, 1975
(iv) The Health Practitioners (Amendment) Bill

SECOND READING

(i) The Higher Education Loan Bill
(ii) The Public Service Commission (Amendment) Bill, 1975
(iii) The Public Health (Amendment) Bill, 1975
(iv) The Health Practitioners (Amendment) Bill 1975
(v) The Penal Code Bill (Adjourned to enable committee)
(vi) The Radio Bill (Committee of the Whole House)

BILLS FOR FIRST READING

(i) The Public Health (Amendment) Bill, 1975
(ii) The Health Practitioners (Amendment) Bill
(iii) The Higher Education (Loan) Bill
(iv) The Public Service Commission (Amendment) Bill, 1975
(v) The Radio Bill.

MOTIONS:- 1. FOR THE EXERCISE OF THE GOVERNMENT'S RIGHT TO SUBSCRIBE FURTHER TO THE CAPITAL STOCK OF THE CARIBBEAN DEVELOPMENT BANK MOVED BY HON.FINANCIAL SECRETARY, SECONDED BY HON. D.V.MILLER.

2. HOUSE TO APPROVE THE POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE ORDER DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY (MOVED BY FINANCIAL SECRETARY, SECONDED BY HON. D.V.MILLER)

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THURSDAY, 28th June, 1973

10 A.M.

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

MR. JOHN D. JEFFERSON: Mr. President, I rise to speak on the Radio Bill ----------

MR. PRESIDENT: I'm afraid we are not dealing with the Radio Bill at present. The first item on the agenda is Confirmation of the Minutes.

MR. JOHN D. JEFFERSON: I'm sorry.

HON. D.V. MARSAY: Confirmation of the Minutes of the meetings of the Legislature held on the 19th, 19th, 20th, 21st, 24th, 25th and 26th of March and on the 1st of May, 1973.

SECONDED BY HON. G.M. MONTAGUE, CBE., Q.C.

QUESTION PROPOSED:

MR. JOHN D. JEFFERSON: I would like to move a couple of corrections, Mr. President.

MR. PRESIDENT: Well, please proceed.

MR. JOHN D. JEFFERSON: In the Emergency Meeting 1st May, 1973, I'm not taking them in order - 1973 page 12.

MR. PRESIDENT: The Honourable Member said 1st of May, but we're not dealing with that.

MR. JOHN D. JEFFERSON: Alright, March 26.
March 26th page 3. I would like to move a correction Mr. President, at the first - second line it says - let me start with the first. Mr. President and Honourable Members, I am at a loss sometimes to wondering if at last - and I want to make a correction after that; "this isn't the beginning of a new day".

MR. E. MAIS BODDEN: Mr. President, if I'm not out of order I'm wondering if we could have this been explained, because I believe this is exactly as far as my recollection goes, this is exactly as it was said.

MR. PRESIDENT: Well, if Members agree we could defer the approval of the Minutes until later on in the order of the day, and the Clerk could check the actual record and report back to the House.
Is there a second amendment which the Honourable Member wishes to move?

MR. JOHN D. JEFFERSON: No, Sir, Mr. President.

MR. PRESIDENT: Well, I suggest that we could defer the confirmation of the Minutes and request that the Clerk check the Hansard tapes and report back to the House, then we'll take this item later on in today's proceedings. So, it is / Further consideration of this item at this stage, and pass on to Question time.
If the Honourable Lady Member is not here to ask her question, we can proceed with the second question standing in the name of the Honourable John D. Jefferson.

CAPT. A.A. HUG: Mr. President, I would like to move to have one word corrected in - or inserted in my speech on I think it was Monday. I don't have the date of this, but I'll soon find it in the original paper. May I read the thing in its context?

MR. PRESIDENT: We've really passed beyond this, but if the Honourable Member wishes to state what correction he wishes to make, the Clerk can check the Hansard and report back to the House.

CAPT. A.A. REID: May I just please read Sir?

MR. PRESIDENT: Yes, you'll need to quote the date of the Minute, I'm afraid. Have you got the date in which this speech was made?

CAPT. A.A. REID: Yes Sir, I have it here. I said the Police should be told that they were not here to frighten people, that they are here to prosecute and not persecute people. The word "not" was left out, and it was changed afterwards but unfortunately in the different context altogether. These were the words I said ------

MR. PRESIDENT: But, can the Honourable Member give the date on which ----

CAPT. A.A. REID: I shall find it out - I will find it right now. I think it's either Tuesday or Wednesday Sir.

MR. SPEAKER: Well, we can deal with that when we take the confirmation of the Minutes later in the meeting.

Well, we're dealing with the question by the Honourable John D. Jefferson, to ask the Honourable Member for Works, Communications and Public Transport.

QUESTION:

MR. JOHN D. JEFFERSON (CONSTITUENCY OF WEST BAY) TO ASK THE HON. A.A. REID, JP, MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT:

WOULD THE MEMBER SAY WHAT STEPS HAVE BEEN TAKEN BY CAYMAN AIRWAYS LIMITED TO SECURING THE SERVICES OF A COMPETENT PERSON IN ITS MIAMI OFFICE TO ACT AFTER ITS CHIEFEST, IN VIEW OF THE MANY COMPLAINTS LODGED REGARDING THE FACT THAT MANY PASSENGERS ARE NOT MADE AWARE BY CAUSA OR THE SERVICES BEING PROVIDED BY THE LOCAL AIRLINES?

ANSWER:

CAYMAN AIRWAYS HAS NO MIAMI OFFICE. ITS BUSINESS THERE IS HANDLED BY LACSA AS ITS SERVICING AGENT. IN THE SAME WAY THAT CAYMAN AIRWAYS LIMITED IS AGENT FOR LACSA IN GRAND CAYMAN, IT IS CONSIDERED THAT LACSA'S STAFF IS COMPETENT AND CAPABLE OF REPRESENTING CAYMAN AIRWAYS LIMITED.
CAYMAN AIRWAYS LIMITED HAS ATTEMPTED TO EMPLOY AN AIRPORT REPRESENTATIVE OR LIAISON OFFICER IN MIAMI BUT HAS BEEN PREVENTED BY UNION ACTION ON THE GROUNDS THAT LACSA AS CAYMAN AIRWAYS LIMITED'S AGENT CAN COMPETENTLY PROVIDE THE SERVICE WHICH CAYMAN AIRWAYS LIMITED WOULD REQUIRE.

MR. JOHN D. JEFFERSON: Mr. President, I'd like to ask the Member another question and that is, is Government satisfied -(this is a supplementary) is Government satisfied with that answer?

HON. A.A. REID: Is Government is satisfied with that answer? Yes.

MR. JOHN D. JEFFERSON: In other words Mr. President, is Government satisfied that there are no discrepancies or that the complaints made are not valid ones, right.

HON. A.A. REID: Yes, Mr. President.

MR. CHARLTON TRUMAN: Mr. President, a supplementary question. I asked yesterday why C.A.L. and Lacsa operate out of the same offices in Cayman/Miami? Does it not seem to be misleading seeing that C.A.L. flies purely Cayman and Lacsa can come in or out fully loaded. Can the Member give an answer as to this discrepancy of what is the reason for it?

HON. A.B. WEBB: Mr. President and Honourable Members, I think he probably answered this question yesterday. In the question that was put by Mr. Jefferson on the recognition that we thought was being offered by Lacsa as Cayman Airways. I think that it was pointed out that the hours of Lacsa and Cayman Airways leaving and arriving here are different, and probably this is the reason why people prefer at times to either take earlier flights or a later flight on the same maybe. And, this is the only reason I could give for this.

MR. CHARLTON TRUMAN: Mr. President, when I posed the question yesterday I was asked to withdraw it as I said it could fall into this category. So, as far as I'm concerned it wasn't answered yesterday evening, a similar statement was made.

Mr. President, this is a further supplementary question. Why do passengers travel into Cayman - Caymanians then come into the Miami Airport and say that C.A.L. is loaded, and it's a known fact that it comes in unloaded and the said passengers have to take Lacsa, and Lacsa comes in loaded. That is the question I'm asking.

HON. A.B. WEBB: Mr. President and Honourable Members, we are not aware of this happening, but if the Member knows this for a fact I would like it, and I'm sure Government will investigate it and find out just what is the reason for this. But we are not aware that this is happening in Cayman Airways.

MR. CHARLTON TRUMAN: Mr. President, stating why the Member may not be aware of this or if Government is not aware of it. Such is happening, and many of the travellers are put on standby for Lacsa and when Lacsa comes in Lacsa can't take them and C.A.L. does apply again. So, it's no problem to find this out if necessary will get up and investigate it Sir.

MR. JOHN D. JEFFERSON: Mr. President, another supplementary question in relation to the question answered by the Member a few minutes ago in relation that Government was satisfied that there were no discrepancies, I would like to ask him this question, does that reflect the feelings of Lacsa's staff here in Grand Cayman or is that just the Member at present?

HON. A.B. WEBB: As was pointed out in the answer to the question, Lacsa has an office here as well as Cayman Airways has an office in Miami.

Lacsa is represented here by Cayman Airways and vice versa in Miami, so infact we're not really dealing with the officials of Lacsa and whether they are aware of it or know about it or what; what I think is our concern is Cayman Airways, and whether this is going with regards to Cayman Airways.

As I have stated, if the Member who brought this up knows this as a fact, we will now look into this and try to see if it is a fact and try to correct it.

MR. PRESIDENT: We'll pass to the first question standing in the name of the Lady Member.

MISS ANNIE S. BODDEN (CONSTITUENCY OF WEST BAY) TO ASK THE HON. M.O. EBANKS - MEMBER FOR WORKS, EDUCATION, SOCIAL SERVICES AND LABOUR

(a) HOW MANY TEACHERS ARE EMPLOYED AT THE GOVERNMENT SCHOOL?

(b) WHY ARE SOME [illegible] TEACHERS PAID CHILDREN AND MRS. THE PRESENT STATE SUPERIOR THAN IS DUE TO WORKING CONDITIONS AT THE SCHOOL, OR TO THE SALARY SCALE WHICH IS BEING PAID TO CAYMANIAN TEACHERS?

(c) WILL THE MEMBER STATE IF THE HEALTH AT THE COMPREHENSIVE SCHOOL IS PRESENTLY UNDER THE SUPERVISION OF ANY GOVERNMENT MEDICAL OFFICER?

(d) WILL THE MEMBER STATE WHY IT WAS DEEMED NECESSARY FOR THREE MEMBERS OF THE GOVERNMENT TO VISIT CANADA, TO INTERVIEW PROSPECTIVE TEACHERS?

ANSWERS:

(a) 11 GRAND CAYMAN; 3 CAYMAN BRAC

(b) THE EDUCATION DEPARTMENT HAS EMPLOYED EVERY CAYMANIAN TEACHER IN THE ISLANDS WHO HAVE REQUESTED EMPLOYMENT IN THE PUBLIC SCHOOL SYSTEM.

(c) EXPATRIATES WORK UNDER THE SAME CONDITIONS AND ARE PAID ON THE SAME SALARY SCALES AS EXPATRIATES.

(d) NO.

(e) IT WAS CONSIDERED TO SEND THREE GOVERNMENT OFFICERS TO CANADA THAN TO BRING 30 APPLICANTS TO GRAND CAYMAN FOR INTERVIEWS.

MISS ANNIE M. BODDEN: Mr. President, I should like to ask a supplementary question. Have any of the present teachers who are now employed been asked to leave the service, as a teacher?

HON. W.O. EBANKS: Mr. President, as far as I'm concerned Sir that's a new question.

MISS ANNIE M. BODDEN: Mr. President, another supplementary question. How many teachers were involved as a result of this interview?

HON. W.O. EBANKS: Twelve teachers were employed.

MR. CLAUDE N. BILL: Mr. President, I would like to ask the Honourable Member a supplementary question with your indulgence Sir. On question (d) the Member has stated that it was cheaper to send to Canada and get these people here or look for them there, than to bring them here and have to send them back.

Now, my question is, is it cheaper to go to Canada and look for teachers than to go to any other West Indian Islands and get teachers?

HON. W.O. EBANKS: Mr. President, that's a matter of opinion. I don't know what the cost would be - depending on the Island.

MR. CLAUDE N. BILL: Mr. President, another supplementary than Sir. Has the Member tried?

HON. W.O. EBANKS: Mr. President, I am not responsible for the recruitment of teachers.

MISS ANNIE M. BODDEN: Mr. President another supplementary question if I maybe permitted to ask. Why have it been necessary for twelve teachers to be employed, are they new teachers or replacement teachers?

HON. W.O. EBANKS: They are replacement teachers.

MISS ANNIE M. BODDEN: If I maybe permitted to ask Sir, what was the reason why there has to be replacements?

HON. W.O. EBANKS: Mr. President, it is simply because the contracts of the teachers who were here have expired and they have not elected to remain.

MR. CLAUDE V. HILL: Mr. President, with your permission Sir I would like to ask the Honourable Member a question on section (b), the answer was "No" - and, the third question by the Lady Member, his answer was "No", to state - will the Member state if the health at the comprehensive school is presently under the supervision of any Government Medical Officer.

Now, why - my question is why has this been under the supervision, because we see it on the Estimates where the Medical Officer attended Government Schools?

HON. B.O. BANKS: Mr. President all schools are visited from time to time by the Medical team, usually accompanied by a Medical Officer for the purpose of giving vaccinations and other immunisation shots. But, I have answered the question that has been asked, and the answer is "No".

MR. JOHN D. JEFFERSON: Mr. President, I'll like to ask the Honourable Member one supplementary question in relation to (b). The question that the Lady Member asked - (b) section of that, I would like to ask him - Will the Member say what benefits the expatriate teachers derive over the local teachers?

HON. B.O. BANKS: Is the Member referring to fringe benefits Mr. President?

MR. JOHN D. JEFFERSON: Anything about salaries.

HON. B.O. BANKS: To answer with all overseas employees or Government teachers get housing allowances, and in lieu of pension to permanent and pensionable personnel they get a gratuity at the end of their contract.

MISS MARIE E. BODDEN: Mr. President, I should like to ask the Honourable Member if in the face of certain rumours will he see that this school is placed under supervision of some G.N.C.?

HON. B.O. BANKS: Mr. President, I'm not sure to deal with rumours Sir.

MISS MARIE E. BODDEN: So, I'll put it otherwise; Could then Sir.

HON. B.O. BANKS: Could the Lady substantiate the fact that she's speaking about Sir?

MISS MARIE E. BODDEN: Mr. President I could, but I wouldn't care to do so.

HON. B.O. BANKS: Well, if she is not prepared to substantiate the fact, I'm not prepared to deal with it Mr. President.

MISS MARIE E. BODDEN: Mr. President, then it is up to him Sir.

MR. CLAUDE V. HILL: Mr. President, if I'm permitted Sir I'll like to ask the Honourable Member, has the School at present a matron called a nurse or someone who is in attendance with those attending the school for supervision of Medical care?

HON. B.O. BANKS: The answer is yes. Mr. President the school nurse is in post.

MR. CLAUDE V. HILL: Mr. President, now I will ask the Honourable Member another question with your permission Sir. Was the answer response to you, Sir, that the matron, is under your portfolio that the school has students there who were sick with venereal disease?

HON. B.O. BANKS: Mr. President, this is a different question. I have the information if you direct that it is answered I will, but I don't see where this is supplied in addition on the answer which I gave to the question which was answered.

MR. PRESIDENT: I'll hold the Honourable Member's views. I think both information can be passed to the Honourable Member if he wishes it, but it doesn't arise immediately out of this question.

MR. CLAUDE M. MILL: Yes Mr. President, I'm aware of your power that you have your ruling, and I was only at the present time trying to make a point where one Member answered me -- the question asked.

MR. G. SAID SOLOMON: Economy seems to be the answer to question (d). If economy is the reason for recalling these interviewees, why did you not recall one person?

HON. MR. BARNES: Mr. President, I have already answered that I have nothing to do with the recruitment process, think we not - I did not know anybody.

MR. P. CRAIG BODDEN: If you were responsible for this subject, why are you not looking at it?

HON. B.J. BARNES: Which subject?

MR. P. CRAIG BODDEN: Subject of Immigration.

HON. B.J. BARNES: It is very much under control.

MR. CROSSOCK DWYER: Mr. President, if I may ask the Member so if he has answered, but could not Government have gotten the teachers they wanted by asking for qualifications and experience in their field of teaching without those going for interview?

HON. B.J. BARNES: Mr. President, Silent experience has proven that to recruit persons who is unsure and unknown can be more expensive than the purchase one pair on a proper recruitment process.

MR. CHARLES M. MILL: Mr. President, if I'm permitted to ask another question Sir - the Honourable Member is all everything if it necessitates them we all times to go; does it?

HON. M.G. BARNES: I'm afraid this is a question that should be directed to another department. I explained that I'm not responsible for the recruitment process.

MR. G. HAIG TURNER: Mr. President, the Member had said in his answer that it was cheaper to send them, I want to know why it was cheaper to send them than to send one?

HON. B.J. BARNES: Mr. President, I fail to see the wrongly because I didn't said it was cheaper to send three than one. I said, it was cheaper to send three to Canada than to bring twenty-six to Cayman.

MR. SPEAKER: We'll passed on to the next question.

MR. JOHN D. JEFFERSON(CONSTITUENCY OF WEST BAY) TO ASK THE HON. M.G. SMITH, CBE., J.P. - MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, AMUSU. AGRICULTURE AND SURVEYS

WHAT STEPS ARE BEING TAKEN TO ENSURE THAT PUBLIC RIGHTS OF WAY AND TRADITIONAL ACCESS TO BEACHES ARE BEING INCLUDED IN THE DEVELOPMENT PLAN AND TO ENSURE THESE RIGHTS OF WAY ARE PROPERLY RECORDED UNDER FORMAL SURVEY?

ANSWER:

UNDER SECTION 11 OF THE LAND REGULATION LAW 1971 THE PLANNING BOARD SHOULD SAFEGUARD PUBLIC RIGHTS OF WAY. THIS HOWEVER, IS NOT ALWAYS POSSIBLE AS MANY LAND OWNERS WITH THEIR AGENT SAY

RIGHTS OF WAY OVER PRIVATE PROPERTY.
A LIST OF RIGHTS OF WAY HAS BEEN COMPILED AND CLAIMS FOR THESE HAVE BEEN MADE TO THE CADASTRAL SURVEY. SHOULD AN OWNER OBJECT TO ANY OF THESE CLAIMS THE MATTER IS REFERRED TO THE LAND ADJUDICATION TRIBUNAL FOR DECISION. UP TO NOW MANY CLAIMS FOR RIGHTS OF WAY HAVE BEEN DECIDED IN FAVOUR OF THE PUBLIC AND THESE HAVE BEEN INCORPORATED ON THE LAND REGISTER.
IT IS INTENDED TO INCLUDE ON THE FINAL VERSION OF THE DEVELOPMENT PLAN A LIST OF PUBLIC RIGHTS OF WAY WHICH HAVE BEEN DETERMINED BY THE CADASTRAL SURVEY NOTIFICATION AT THE TIME THAT THE PLAN IS PRESENTED. THESE WILL ALSO APPEAR ON THE CADASTRAL PLANS OF EACH DISTRICT IN THE FUTURE.

MR. JOHN D. JEFFERSON: Mr. President, a supplementary question. In response to the answer given, will the Member say whether or not Government is considering the over-riding interest which is recorded under the registration law?

HON. W.W. CONOLLY: I would not say that Government is considering the over-riding interest, this depends on the request by members of the public. There is the provision where that over-riding interest can be registered, but surely it has to have the backing of affidavit and substantial witnesses in order to do this.

MR. JOHN D. JEFFERSON: Mr. President, a supplementary. Does Government not view the seriousness of asserting these public rights of way to the fact that they are themselves - looking after the interest of the people in this respect?

HON. W.W. CONOLLY: The Survey Department is very cognizance of this, and I may say that a list as has been said in this has been compiled and so far about twenty-five claims have been made, and most of these claims have been registered as the rights of the public. This is in areas where the Cadastral Survey has been working, generally from central George Town, South Sound, Spotts, Old Man Bay, Rum Point and the Bodden Town and Breakers area. So far there have been about twenty-five claims and two of these of these claims have been decided in favour of the individual land owner, the others have been given to the rights of the public.

MR. JOHN D. JEFFERSON: I thank the Member, Mr. President.

MR. PRESIDENT: We'll pass on to the next item on the order of the day, "Bills second reading". We shall continue the debate on the second reading of the Radio Bill.

CONTINUATION OF THE DEBATE ON THE RADIO BILL

MR. JOHN D. JEFFERSON: Mr. President, Honourable Members I must say; I rise in support of the Radio Bill and say that as far as I'm concerned this is a good bill. I think that the bill makes it very plain - this bill as far as we are concerned is a bill that governs the licensing and the technical aspects of Radio which is very important and/for as I'm concerned at this stage as we're about to embark on our own broadcasting station.

I first want to say Mr. President that I am indeed humbly proud to have this bill before us today. As far as I'm concerned it is a dream come true, it has been. I guess you would say a short span of time since I have personally and Members of this Assembly have seen the need for such a law being before us.

I remember years ago under Adviser Cleaveland's time that this Government was Radio shy and the people that there must be better communication between Government and the people. I remember when the decision was taken and the Information Officer's position was created which would elevate some of the problems and begin the ball of

MR. JOHN O. JEFFERSON: communication rolling. This was taken because there was a great need, but it indeed was the dream of every legislator I believe that eventually we would have our own broadcasting station which would keep our people informed of what the fact were surrounding this territory. In view of the attitude that was given I want to also hope that the same will be accorded to me. I want to say with all respect that I was happy and I am happy today; inspite of all the objections and no doubt difference of opinion that steps were taken in this territory. steps that had to be taken, steps taken by a man that had the courage to do the same thing that he felt was best and right for the needs in our territory.

As we stand here this morning or sit in this Chamber debating this bill, it again is a reminder of the fact that this Government is indeed concerned about its people, and this Government is indeed concerned about providing more and better services for the people. I am glad to see the fruition of years of labour - be able to stand here this morning debating this bill, having seen so many other things come true, see the moving today of things that place us in a position where every Government in the world have to take notice of the fact that the Government of these Islands are indeed moving on with a job of providing the **Amunition** for its people.

This bill in my opinion does exactly what it set sought. to do, and that is to govern the field of Radio. This bill is very explicit, it seeks to place guide lines to govern and make it crystal clear that we know exactly what we want and place the authority in the hands of the proper people and, that is the Government - Governor of the Cayman Islands.

In section 3 the application makes it crystal clear that this law has no application to radio and television receiving sets primarily designed to receive transmissions intended for direct reception by the general public, to any undertaker operating within or between the Islands under a Telephone Law or any other licences under the Broadcasting Law.

Section 4, there shall be established for the purpose of this Law a body to be called the Radio Advisory Committee. And, that we find in the constitution set up for the committee in the back of the schedule. The provisions are made for the constitution of such a committee, and we also create it. President that this committee deals purely with the technical aspects of Radio. I believe in my own experience that one can not be too careful in regards to the control placed on radio broadcasting in this territory.

A few years ago Mr. President, when I was living in another country and worked for another Government there was an incident that occurred a tremendous amount of concern. There was a ship, and I might recite the incident went from another country, and I was asked me and another member to go aboard and bring the party ashore. When I went on board I was made aware that that party coming ashore were all men that were armed; after insisting that these men would never set ashore on my boat being armed they eventually disarmed themselves and went ashore. And, unindividual liaison under the hub radio got in touch with someone in the state department and notified the state department that that particular Island was invaded by members of another country. Well, in a matter of four or five hours members of that particular country were disembarking to take care of whatever the incident was. I'm only saying that to show that we can't be too careful in making sure who controls what a party like in relation to this.

Then we see that the section also deals with people making false claims and statements on the radio; I think it is a good guide line. I believe that it is necessary to be there and I only hope that the enforcement of this law will be done in the manner in which I believe it is brought. As far as I'm concerned this law does not prohibit but it makes provisions that other wholesome or other things can be licenced, other stations; but it means that somebody is responsible and somebody has to know for sure what is being installed in that or any other particular operations.

MR. JOHN D. McLEAN: (Cont'd): The bill also says that where there is a licensed radio or station, that if that station is being sold within a period of fifteen days that that particular person must take in writing to the holder of the particular which means that no body will be able to evade the responsibility that is rightly theirs.

As I've said, section thirteen whoever - (a) by means of radio or telegraphy sends or attempts to send, any message which to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance. I think it is right place, I think it is necessary and I'm glad to see these six sections there. In other words it is always preventative medicine that is far better than trying to prescribe a cure after someone has sadly gotten into trouble.

I like section eleven, section eleven (1) where it appears, expedient to the Governor by reason of the existence of a state of emergency as to do, the Governor may assume control or use, or prohibit the use of, any radio or telegraph station or apparatus or document, including messages whether transmitted, received, or in course of transmission or receipt; for such time as the Governor thinks necessary in the particular circumstances. Then in subsection 2, I think these Mr. President, are all good guide lines, things that probably will never be used but in the event if there is a need it is already there. You may I am not one that believes that as we sit here in this Chamber from time to time and debate - deal with bill that come before us, I believe that the type of legislation that is being brought before us, a great percentage of it is legislation of your order, legislation that is properly brought out, legislation that will help to guide this country in time of crisis.

Section 14, the penalty is ten thousand dollars, I would hope that the penalty would not be any less in instances of this nature. We have to make unmistakably clear that people understand the language which you are talking. We can't take precaution that people will laugh at especially in [illegible] incidences like these, we have to place penalties as such.

Mr. President, I'm dealing here only with briefly but it is said that the Cayman Islands broadcasting station is going to be - the maintenance will be sub-contracted out to another firm. I only want to say this, in dealing with the maintenance of the station, that I hope that we won't swallow everything hook line and sinker, but that anybody that offers themselves to provide this kind of maintenance that they are able to provide references of this type of work being done for previous radio stations in the past and we're able to check the type of maintenance that is provided, and I trust that this won't prove to be too expensive a thing by sub-contracting out the maintenance of Cayman Radio to some other firm. And, I trust that the type of maintenance provided is going to be the type of maintenance that will help us to have a station to which we'll meet the requirements, and ever above that, provide for the people of these Islands a good broadcasting and that it's not too expensive a thing. And, I wanted to make that point because I think it's essential, we are dealing with the technical side of it but side issues aside the technical side, and I'm hoping that whenever it is sub-contracted out, it is that the firm are able to provide references that we know that they have done this before, and the type of work that they have done is the kind of work to which Cayman Radio would only - we would only win to the quality of the station.

I trust we will be blessed financially in that respect, but I think also that we must think in terms of trying to retain our own people. Because, I hope Cayman Radio will be exactly what it is, what it ought to be, what is envisaged, an instrument that gathers the nations and news for the people of these Islands as a whole, and provides them with a type and quality of broadcasting to which we can be proud. I know that we will see an opportunity under the broadcasting

MR. JOHN D. JEFFERSON: (continued): ...to deal with it later, but I want to say this Mr. President, that I trust that every ounce of work that is worthwhile will be placed before the people of these Islands that this territory and the people of this territory will not be depending upon - to listen to rumour and untruth, but that there will be such a programme of information and a programme of truth to the people that our next election won't be the way it was the last election.

I like truth Mr. President, and I found out one thing and that is, that if we are capable of laying the facts before the people of the Cayman Islands and make no mistake about it they can come up with the right answers. I say here in closing, I trust that the programming that will be done for this broadcasting station we'll not forget the heritage of the people of these islands especially on Sunday. We could do our people no greater justice, we could do our people no greater job that to help to preserve the things that have placed us where we are today. And, Mr. President from my christain heritage, I have no apologies to offer to any body, and my only thought is that I with God's help am going to preserve that heritage come hell or high water regardless of whom we have to stand up to or against to see that that heritage is maintained.

I thank you very much.

DR. Charles J. Wills: Mr. President and Honourable Members, I think that my turn will be a little different, whether it's good or poor I'm going to sing.

We are here dealing with a law to repeal and replace the Wireless Telegraphy (control) Law, 1965;(Law No. 7 of 1965). It is quite true that the Wireless Telegraphy (control) law is out dated. When the Honourable Member was introducing the bill he explained this quite clearly to us, it's no need of standing here and arguing off duly matters of the old law because we are repealing this law here now.

The introduction of an up-to-date legislation covering the subject of radio communication is a very important subject in this day and age. What I'm going to say, it may sound foolish in the case of many, but it is a good thing that each and everyone of us have our time to see what we like so long we do not infringe. While listening to the arguments by previous speakers concerning the bill, so far it leaves me to think if we are on the right road with this amendment. For instance if a Radio Ham or private investor wishes to have a license and is told that under certain conditions - sections of the law. He could not get a license. It is quite true we have to be very careful on the granting of a license, but what about what is here licensed already? We must give thought at that.

To this bill before us anyone operating a Radio in this country when this bill is passed, if passed they can tell him that his license was only good; and I'm sure for's himself that the word will be used.

Mr. President, we here have been blessed by having a person like you to be head of our Government. I say that with great pride, but the day could come when you are gone and we are confronted with a new man who will not be as patience as you, and also not as reasonable as you. You have always listened to our ills and our complaints, and I say this bill will never be another you and let us - and I hope that I can stand in this Chamber, as long as I am in this area say that, and if I'm out of this I hope I can hear it/with - people roaring here - what I'm saying here now.

I must mention something that can be done, and that is Radio Jamaica. This has taken place on previous years with other countries and I'm hoping that the day never rises or the time that we hear what Cayman Radio is on the air, you cannot get certain stations outside of the country of Cayman - Grand Cayman. Another wish I have is, that the Cayman Government will not do with this as they did with Cayman Government electricity undertaking, and that was to sell it. The reason

MR. CHARLES M. FITZGERALD: Is that to anyone to make up and decide whether it was sold or just or given away. The idea was because the Cayman Government was told it was too big an undertaking, so they could be placed there and tempted.

Mr. President, quite a few points have been brought up by Members who have spoken, and I tell you this Sir they've left us with food for thought.

Dealing with section 4 (1). Boats shall be established for the purpose of this Law a body to be called the Radio Advisory Committee. Now, does this leave Television out? If a private Investor comes to bring in Television then Law can be amended at caucus, but under this present Law he cannot bring in Television.

Then section 6(1). No person shall within the Islands or their territorial waters establish, maintain, impose or use any Radio or Telegraph station or apparatus without first obtaining a license for the purpose, unless exempt by regulations made under section 17. Sir. President, I mentioned with your presence here I'm sure this could not happen or it would not happen, but you will see we have Caucus and also all we will be here forever. And, this Law can be amended they would say, but at this present time as just plain you're going and persons cares to invest and go to it under the Law no private investor can come in - you can't obtain a license, it's no good applying, you cannot cope with the regulations. So no caucus has gone in. We have that this Law permit you to even come in and talk about radio.

Then on section 8(1). Whoever establishes, maintains, imports or uses any radio or telegraph station or apparatus in contravention of section 6 or 7 is guilty of an offence. It goes on further where it says, whoever by way of his trade or business, hires, sells, exchanges or leases in any radio or telegraph station or apparatus save under the terms of a valid license issued to him for that purpose under this Law is guilty of an offence.

Then on section 11. The power given to the Governor on the recommendation of the Member who is appointed to be an Inspector for the purposes of this Law. Then on section 11 (1), it tells you about an Inspector. An Inspector shall be furnished with a certificate of appointment. We did not expect to put a fool to run it, but the appointment and he untaking any premises, vehicle, vessel or aircraft pursuant to subsection (2) he can enter at any time, and he can also search the premises.

Then on section 17 (c) and (d). Classifying the various types of radio station, and prescribing the nature of the service to be rendered and the frequencies which may be used by each class of station. Mr. President, there must be a law. I no longer of that, but when you have an inspector who is partial or who can be partial and he tells someone that the frequency of that set is for cat scratching or even not specified to operate in the Cayman Islands. Then on section (b), it must state the power output, necessary bandwidth frequency.

Mr. President, when comes back to my mind is in the event of a disaster in this country. If we had a disaster like a hurricane, and there were no radio communications in this area owing to the difficulty of entering a frequency - private telecommunications have played a very vital role in the case of a disaster or disasters. I have seen of disasters in the hurricanes which is happening, the training disturbances, and those telecommunications with our Main Government operated telephones could not get out and we had all coming in. Now then a matter of minutes sustained - something were to put the people in, some of everything came.

Mr. President, the responsibility rests on the shoulders of each and everyone of us here today in this House. Let us not do something from now by the making of a Law that covers certain things in this radio law without thinking.

Thank you Sir.

MISS HENRY H. SOLOMON: Mr. President, I arise to support this Bill. Sir, I'm not saying that there are not certain things which will have to be ironed out, but I'm supporting the Bill. I remember for the first time in my life that I ever heard about a radio that you could hear from an out side World; that was in 1931, a man from Cayman Name by Lee came of Mr. Webster came to Grand Cayman with a radio as well, five of the elite bought that radio - (now you leave me alone please) five of the Caymanians of the elite class bought that radio and paid fifty pounds for it. It was fifty pounds. It was installed in the old Vanes House, and it was the only means of entertainment. I remember going there on a Christmas Eve hearing for the first time jingle bells, when I was going down the stairs along with some other young people at that time there was a group coming up, and that was the first time I ever heard or saw anything about a radio. Well, first enlightenment the people because we were practically far away from society what was happening in the outside world.

Well, as the news of this radio spread through the elite ordered radios, and all like the higher upper class in which have more or less of the elite these radios were imported. Mean the group who has bought this fifty pound radio because another one a thing that cost one hundred pounds. They installed it in what we called Mr. Pascoe's House where the By-Rite now stands and that was an entertainment. Then in 1939 the advent of the Cuban wireless station here, which was a time of great rejoicing with the whole ship's 'crew' / [illegible] the Naval Officers and men in Nassau dancing around the old wireless station that we saw out it and it was a happy time. Everybody so happy that we were hearing from the outside was of all knowing what was going on.

When the War started in 1939 radios were still not very plentiful, but some people had, and there was a general gathering from house to house to hear what was the news. I remember one famous captain now deceased sitting on the office window where I worked trimming his nails with a little pen knife he had and saying, if he was Churchill how he would hurry the battle of Dunkirk. Well, all that kept us amused. I'm only pointing that Mr. President to show these younger people how far we have advanced in this 1975 year. And, it's very proud of the advance that we have made and I feel that we should try everything in our power to keep this radio station what it should be; Cayman, we have to control it because other than that I don't know what will happen, everything has to have control. And, while I won't agree with quite all this Bill haven't feel that we can then it may, but I'm saying Mr. President and Members that we should be proud of these years that we have come up from I would say the last round of the ladder, and now we are three quarters of the way up. We have/our Airline, our own currency, our own Broadcasting station in the very near future, and I hope that we shall eventually get Television. Now, I'm not saying that television will be the best for children, but I know it will be the best for me personally because I would like to have some form of amusement where I can sit at home and see what is going on. And, I feel Sir, and I hope that with the advent of this law that will in no way block the operation of a television if and when we get to that stage.

Now, Mr. President I feel that this law does have something in it which we'll have to correct. This advisory board I hope it will be staffed with men and I suppose maybe women who are impartial, who will, if Uncle Andrew goes and wants to build a brothel provided it's not dangerous or in anyway to put the face of the Cayman Islands in disrepute or that I shall be allowed. I feel that it should be for all and sundry provided they live by the regulations. Now, you have such and such a person has been designated for such and such be here you must stay behind, we don't want anything like that. We want it that all and sundry shall have an opportunity to do what they want to do, provided that it is within the Law.

Now, this section 6 (1) here. No person shall within the bounds of the [illegible] territorial waters establish, maintain, import or use any radio or telegraph station or apparatus without first obtaining a license. Now, what I'm not sure about is if a radio apparatus means an ordinary radio, I don't know. If it means something beyond that

MISS SONIA M. BERNARD (cont'd): I have no objections, but I do not think that it would be right and fair that everybody who has a radio that they should have any licence. This word apparatus here could mean something else, so I would leave that to be questioned and answered.

Now, I put section 6 (1). Whoever establishes, maintains, imports or uses any radio or telegraph station or apparatus - well, the station I take it would be a station, but this word 'apparatus' I'm not sure about, in contravention of section 6 or 7 is guilty of an offence. Then I see in section 11 (3). If any legal proceedings for contravention of any of the provisions of section 6 or 7, the burden of proving the existence of a valid licence in respect of any radio or telegraph station or apparatus, as has been mayou, shall be upon the person charged. In otherwords I take it Mr. President that if I say I have a licence or produce a licence that licence, so I see nothing wrong in that.

Now, wuln by private persons. Whoever, otherwise than in the ordinary trade of business, sells, exchanges or advertise anywhere of, any radio or telegraph station or apparatus again that is a word that is causing us some concern, apart from that Sir I do not see too much to raise any objection to. Of course I'm not a mechanically inclined person, I do not know anything about radio telegraphic broadcasting or any of these technical things, but I feel that we have gone a very long way and we must not let stupid trifles make any disorder or confusion. And, I trust Mr. President that when this station, this Radio Cayman has been built and is in operation that we as legislators will have opportunity if we so desire to air our views to the public. Although I have heard it said here that when they're going to sweep the floors, there's going to put in teenagers to do it, I hope that day will never arrive Sir when we run this country by teenagers, anything under the age of five years of age I hope they'll never enter these doors because we are bad enough, but I'm telling you if we get teenagers in this Chamber we will have a ruined country.

We have our heritage in faith, hope, love and forbearance of old forefathers, good old Caymanian institutions of the church, country men and they have led us up to the high ladder where we are now on, and I hope and pray and trust that the population of the Cayman Islands will never get so frustrated as to put teenagers in this Chamber.

Thank you Sir.

MR. A. IVOR BODDEN. Mr. President, the Bill before us is intended to cover the whole subject of Radio communication. Although some Members have stressed the technical aspects of the Bill I gather that this Bill deals with more than the mere mechanics of Morse and telephony. It says in the memorandum that we are updating legislation covering the subject of radio communications as well as enabling us to comply with International regulation. So, let us not fool ourselves, the real intent and purpose of this Bill is to pave the House in order for the great and final day when Radio Cayman will go on the air.

I must congratulate you in your capacity as Governor, for having appointed the First Official Member as the Member responsible for Radio communications or broadcasting as it says in the Gazette. I admire your choice and I must say that I am happy this responsibility has not been given to any Elected Member. I know that they are men of upright character, but it would be difficult for an Elected Member to contain himself when it draws near to Election time, as I am glad that the choice of a Member for broadcasting has gone to one person who would've been exempt of own choice if I had had to make the decision. I only hope that he will have the strength to withstand the grueling challenges that will come to him, and that his prayer will be like that of the new bride queen when his wife prayed, "I need thee ever more" he said, "God give me strength".

I know that later on we will be getting a Broadcasting Law, and I'm wondering if we will be furnished at that time with a detailed programme outlining the uses to which Radio will be put, and if we will be given a general idea of what will be presented. I know one Member has stressed that he wants to make sure that there was some religious programmes for Sundays, but we will want much more than that.

MR. D. GRIG ROBERTS: (CONT'D): Now, the technical sections of this bill were probably worked out by the expert and the L.A. Members are really not in a position to criticize that part, but the non-technical section - the [illegible] sections do come within my scope for criticism. Whenever we're dealing with communications human resources come in to play.

Yesterday the Member stressed that this bill would not have too much to do with the use of Radio, that was the truism of the century. But, while this bill in itself will not have much to do with the use of Radio the regulations will have everything to do with the use of Radio. Now, my gripe has always been that we give Executive Council far too much power in making regulations. Executive Council is Executive Council, it is not a Legislative Council and we should not give that power to such a body as I said then, because those regulations have the force of law. We should not give them as much power as we give them. This is more true in a bill of this nature where the main purpose of having a Radio is to communicate with the public.

I always heard that thirteen was a bad luckid number, but it looks to me like seventeen is the bad locked number in these bills. You remember that seventeen is a bad section in the Health bill which we will be amending shortly, and seventeen is the section in this bill which gives the power to the Governor in Council to take regulations. Now, let us look at some of the bad parts. Subsection (c) gives them the power to make regulations concerning delegation of the function in respect of such licences. It gives them full control over the use of Radio, yet one Member would have us believe that this Law will not control the use of Radio.

Subsection (d), specifying the qualifications to be held by the operators and providing for the holding of examinations. I think this is going too far, and is qualified here to hold examinations when there are no schools for the would be operators to qualify in. And, you can use your imaginations to know who would be the examiners.

Subsection (f) prescribing fees. I have always maintained that this is wrong. If you charge a man a fee you have in effect imposed a tax upon him. It is not a tax that will affect the ordinary land but it is a tax that this person cannot get out of, because this is his particular business and Executive Council alone should not have the authority to impose a tax on the operators.

Only two days ago I spoke to a group within the medical department, and they told me that at the time when these ill-fated health bills were passed they were circulated with a copy of the Law and asked how they liked it. They had to sign - I guess I believe, and say they liked it, but they were shocked later on when they were told ------

MR. SPEAKER: I think the Honourable Member will have a chance to talk about Medical Bill later in the proceedings.

MR. D. GRIG ROBERTS: (CONT'D): Yes Mr. Speaker, I was only going to show how these people were charged fees, because of regulations in the Medical Laws, and they were charged an exhibition twenty-five dollars for private nurses or what they thought to be exhibitant because the Law empowered Executive Council to make a regulation. Anyway, I won't pursue that subject anymore.

There is one other section in this seventeen, and that is (e), prescribing any other matter. This is an all embracing clause, this is where we give Executive Council a blanket check to do anything they'll like to do, prescribe any other matter or anything which maybe, or is required by this Law to be prescribed. I'm saying that section seventeen is giving too wide a power to Executive Council, and we need more safeguards in that section.

The Lady Member from George Town mentioned awhile ago the Advisory Committee that would be set up under this Law, and here I see that all the evils of the past have been put together in the formation of this Committee, every wrong thing has been compounded into one big mess in the setting up of this Committee. In fact, I see that Members of the Committee are eligible for reappointment. I disagree with

MR. G. HAIG BROWN (CONT'D) three. The Members are appointed in the first instance for three years, I don't see why the Members should be reappointed. Three years is long enough, he should be retained from the board and a new person reappointed, or if we say that there is a reason for reappointment of some Members that reappointment should be limited to say two terms, but not exceeding two so that a Member would serve the maximum of six years on the Committee, he should not be a life Member of the Board.

In five of this schedule, I see we have brought back this duty from 1870 to give the Chairman both an original and a casting vote. This matter was argued for nearly a whole day in October last year when we dealt with the Health bills. We removed this original and casting vote from the Chairman, why are we breaking it back into this bill? We found out at that time that the last time you had been given two votes was in the House of Commons in 1870 more than a century ago, yet we are setting up a Board today in which the Chairman of the board would have an original vote and if there is a tie he would also have a casting vote. Now, Whats would the Chairman be expected to vote if there was a tie? Wouldn't it be where he had cast his original vote, so we are giving to one man two votes and I don't think this is right. In fact the House agreed last year that it wasn't right, and it was removed from another bill. We do not have any examples for this in recent years, and we must take this away.

The First Member from Belize then also dealt yesterday with section 7 which says that the validity of the proceedings shall not be affected by any vacancy amongst the Members and by any defects in the appointment of any Member. This is wrong, if the board is not properly constituted the proceedings of the board should not be valid. Why have we gone to all this trouble to say how the Members will be appointed, and to say how the Chairman will be appointed, to say what the quorum will be and then right around and say that if we don't meet any of these requirements what the dummy board does is still right. So, I maintain that the validity of the proceedings should be affected by any defect or any vacancy existing in the board.

There are other bad sections in the law; Section 12 appears to give the right for an inspector to enter any premises promptly without a warrant. As the Member from Belize town said yesterday, if premises would include a man's private household this should not be allowed, because you are really violating the rights and the privacy of the man. It is true that section 17 goes on to say, that if you're going to search the premises you will need a search warrant, but it appears that section 12 makes it permissible for an inspector to enter a place without the permission of the owner, without a warrant for entering and this is totally wrong. I believe that if we leave this as it is, this section will come back from the Commonwealth Office for an amendment.

I have dealt with a few sections of this Law which I feel are bad, and I just want to touch briefly on the technical aspects of Radio. I welcome the coming of the Radio, but I'm distressed that we are ignoring the evolutionary trend in communication. We seem to be preparing for the 1930's and the 1940's. Every country in the Caribbean that has started out with a Radio station is now moving on to their own Television station, and I feel that all this preparation we should think about T.V. It will come as sure as the night follows the day, so why are we being so childish at this time and in effect saying if the people of this Island are capable of enjoying a Radio station, then we the big ones will give them Television later on.

One Member - the Second Member from West Bay mentioned the use of the radio at the next Election. I hope that the Radio will not be a political arm of this Government, and I trust that the Member responsible will see that excessive emphasis is not given on the use of Special Members in Government when this time comes. Radio is going to have an impact on this Island far greater than many realize. It is going to control through advertisements what we will eat, what we will drink and what we will wear. Depending on the programmes it will determine moral attitudes, religious attitudes, it's going to affect every phase of our

MR. W. MARK MCCOOK (CONT'D): living. And, we are playing chess with dynamite, so we will have to make sure that it is closely watched, and that it is properly used for the benefit of all.

CAPT. A.M. REID: Mr. President and Honourable Members, I am going to support this bill and I'm not going to waste too much time of this House in so doing. It is a very simple bill well written and one which I think either of my little grand sons, eleven and twelve respectively could read and digest in one reading. I am not going to quote from any paragraph of it.

I have lived with a bill of this nature for the past fifty years in several different countries almost identical in concept - in content. Some countries are very particular, for instance Curacao, the Argentines, Brazil and all those South American countries particularly if they had any politics, upheaval at the time - they banned up your radio - you locked it,you kept the key but they punched a tape over it, you wouldn't use the radio in port. And, the law applies to all countries, but as I've said not all of them are that particular, mind you they are getting more and more particular, most of them are doing it now. They'll tell you and when you see one supposed to use your radio in port, and if you are caught using it you'll be subject to the big fines.

Now, it is - what does an inspector manage? The first thing the Customs Officer does is when you enter a port he'll ask you for all of your papers; your radio certificate, your safety certificate, your name (the certificate says), and when he sees that you have them the next time you go back you're not asked for them, they get to know you. But, when his memory is usually good enough he'll remember when they'll expire, and if they are expired any of them he'll ask you or he'll tell you to have it renewed. And, to renew a radio license in this country would only mean to have any good electrician who can receive a radio, examine it and test it and see that it is working. So that's no big thing either.

I am very pleased that the radio is coming. I think we need it. All of these little Islands here it, many of them have more phones than we now have telecommunications studies, the only thing that perturbs me is that we may not have the expertise here to do the broadcasting and I am looking forward and hoping that we can depend out two or three Caymanians with a nice paymaster report on me the broadcasting. And, I hope we don't have to bring somebody from the Eastern Caribbean to do that for us.

As to the political use of it, I have no objection at either Member of this House using it if he's stupid enough to waste his money on so doing. I can assure you I will not be spending mine on that, and I won't be jealous of anybody who does. I don't believe that it will be used in that manner, I have that much confidence in our Government, and so I will end by saying, I support the bill in its entirety and I see nothing wrong with it. Every man who has a ship to shore - radio in this country should pay a license, every man who has a gun and should pay a license - pay for a license. That is done in all other countries and I see nothing wrong in taxing the people who have radios.

MR. LEONARD DILBERT: Mr. President, I don't have very much to say on this bill, but this bill that we have before us we've got it here to protect some venture that we're about to start out on. We have remained quite high up in a few discussions over the past few years. I remember well when eight to a dozen sailing boats were seen out in George Town Harbour, and today it would be good to see one. It took three to six weeks probably to get a letter travel over from Jamaica, we finally surrounded by a few more ships with a few more boats that reduced the time by a week or two weeks, and today we have got completely away from them as well - it's a fast age, breakfast at home, lunch in an hour across some other country and now we are about to unlock the world between that time. So many millions magnitude in or on of a second.

MR. CRADDOCK BODDEN (COCKPIT): We have been looking and catering and working hard for the betterment of this Island and its people, and I trust that we will all enjoy this as/should come about, and I am happy that it's not / too far distance. I wouldn't have to hear that it's next month and then next week when it's next month and next month it's next month, but nevertheless we're much closer to the beginning of what we hope for sometime maybe it was four or five years ago. And, as far as I'm concerned I can't see why we shouldn't have had this before now, whether it was Government or whether it was a private interprise.

With the many applications from the - we had from the private sector or private enterprise to go into this, it seems to be dragged/around to whether it now will become a duty of Government, and I do hope we will not lose in this venture. It will mean much to the people when they can tune on their radios and find out what is going on in the Island and of every Island as well.

But, while a number of speakers have spoken on different aspects and sections of the proposed bill, I will not go into all the details and ramifications of the different sections, and I'm hoping that this will be one of the bills that will go to committee as well, and whatever may need to be dropped out it can be done. But, I do raise my strong objections to section 5 subsection 5 with the Chairman having two votes. I am not going to support it here and I wouldn't support it in the Committee and I wouldn't support any place at any other time, because that's - we have been told on so many occasions why we want to do away with this and do away with that because other countries are doing away with it, it doesn't work; it doesn't serve any purpose. Whether this serves any purpose or not it will serve a purpose, it would be very unfair for one individual to have two votes whether he would be for or against. So, with those few remarks Mr. President, I again say I raise a strong objection to that subsection of the Chairman having two votes, other than that I go reasonably along with the bill as proposed. Now, I say if it should go to the Committee we'll find way to iron out the odds and ends as they maybe.

I thank you.

HON. A.B. MUSE: Mr. President and Honourable Members, apparently there are no more speakers on this bill so I will wind it up. I think we have had a very interesting discussion on this bill, the merits and demerits of it. Few criticisms were offered but as my friend Nolling very correct. I think I see some of the Members have some fears as to just what this section maybe used for. It may be used for - I think it was one Member remarked, the political use of Government. I don't think that there is any such intention in Government to use the station for such purposes; of course as one of the Ladies of Cayman Brac said, he wouldn't be wasting his money to go and speak over it. I think we should realize if we want to get on the air it may cost us some money, but then maybe there will be times when Members of Government may have to go on the air to radically classify certain matters in Government for the benefit of the people. Surely I don't think this would be considered as being used for political purposes, so I don't think Members really need to have any fear of that. I can assure you there is no thought of it going on in Government service now to that effect.

Television was mentioned/as to why shouldn't we have television as well as radio. Well, what we're trying to do is to establish one first, and then we consider the next necessary, and that is radio. No doubt in years to come television will be in our Island, and it is not known yet whether this will be an undertaking by Government or by private enterprise. This will be more or less a matter to be decided on later on. But, but we got the Radio station established/first and then we can take other things in stride.

Several questions were referred to, and I think one of the sections referred to was the definitions to section. Well, I think we can all check this out when we get into committee stage - the appointment of an inspector. I think we should realize that all of this is necessary for the proper running of the radio. And, complaints here/and the penalty being, and what suggested especially in other laws for other ordinances but no doubt we can also correct this if Members disagree with the penalty laid down

MR. A.N. MASHINGWAIDZA: in this law.

And the committee seems to be remains quite a lot of concern, and especially the chairman having two votes. Members should realise that on the point here in the law that it's only an advisory committee, and the Member really doesn't have to take the advice of the committee. I'm not saying that now or mean that the Member will not listen and carefully be advised from time to time by the committee, but I'm only saying that the Member doesn't have to take the advice of the committee, it's not a statutory board, it's an advisory board and the Member doesn't have to altogether base his decision on just what the committee has said; so I don't think you'll need to worry about that either.

The frequencies, some fears have been expressed that these may - you may not be able to get any other stations while Radio Caprivi is on the air. Well, I think careful attention has been paid to this and we hope that this won't interfere with other stations and we hope that other stations won't be interfering with us. This has been done and frequencies for the broadcasting have been selected which has considered trouble free - trouble jamming I think one Member called it. And, I think also that one Member made mention of the appointment of the committee and Members shouldn't serve for a certain time. Well, I don't think they object to have any life membership on this committee, but we should realise that there will be more or less special people who have knowledge - some knowledge of Radio and there may not be too many here who know about this particular thing. The law provides for three, not more than five; I'll rather think we may not have to three and leave the five.

But Mr. President and Honourable Members, I want to thank Members for the debate on it, it certainly went very well indeed and I'm glad to hear that most of the Members agreed, and all of the Members agreed that we should have a radio and some of course disagree as to how it should be run with certain things in the law, but as I say this can all be done later when we get into committee stage and I'm sure the hope was will prevail in the law.

And so Mr. President and Honourable Members, I beg to move now formally the second reading of a bill entitle "The Radio Bill", and move further that this House go into committee of the Whole House to study the bill clause by clause and to amend it as maybe deemed necessary.

SECONDED BY HON. E.N. MATUTE, ESQ., M.P.

QUESTION PUT: AGREED. MOTION CARRIED SECOND READING

MR. PRESIDENT: I second the motion by the Honourable Member, that the House resolve itself into committee to consider the bill clause by clause.

QUESTION PUT: AGREED.

MR. PRESIDENT: We shall defer moving into committee until we have completed the second reading of the other bills before us.

I notice this would be a convenient time to suspend proceedings until 2:30 P.M. this afternoon.

HOUSE SUSPENDED AT 13:45 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Proceedings are resumed. We continue with the Second reading debate on the Penal Code.

The Penal Code Bill

Lusaka: THE HONOURABLE MEMBER FROM, SPEAKS RESUMED

MR. PRESIDENT- The bill has been moved and we'll continue with the debate on the motion on the second reading.

Are there any speakers for this morning?

MR. G. HAIG ROBERTS: Mr. President, the House had been dealing with a package of bills. The bill before the House at this time is perhaps the most important of all these bills, it is the largest of them all and it is intended to put an end to more laws than any other bill we have dealt with here before. I am not making any apologies for not having studied the bill. I did study it.

I am often criticised for reading in where angels fear to tread, but how can you get the angels to follow if you do not show them the way. It took the ancient Romans five hundred years to prepare a Penal Code, now my brother and I are doing it in five weeks, and there are bound to be errors, there are bound to be mistakes.

Following in the pattern of Bills presented to this House since the coming of the new constitution, this bill is in fact many amendments. I doubt if it can go as long as the ill-fated Health Bills went before it comes back for major repairs. In this Law we are doing away with some twenty-two other Laws which took three hundred years to build. One can hardly see how so many years accumulation of bills could be put away in less than one hundred pages. I can understand that the codifying of a multiplicity of bills or laws into a single volume will greatly facilitate the legal profession when confusion arises as to the three laws. Nevertheless an attempt at brevity is bound to end up and so leave out many things of material value, if I had my way we would not proceed with this bill any further, we would give it many more months of study before we attempt to put it into law.

On my first reading of this Bill I came across many errors, and I'm not speaking about typographical errors) and I want to mention just one of those grave mistakes we are making. Section 145 (1) says, that whoever endeavours to obtain or actually obtains charitable contributions of any kind unless authorised in that behalf by the Governor, shall be deemed an idle and disorderly person and shall be liable to imprisonment for a term not exceeding four months or to a fine not exceeding $20.00 or to both. With a clause like that in this Bill, I don't see how any service club in this Island or any schools in this Island could go on the streets and even sell a ticket for a dinner in order to raise money for that organisation, because the person who did it without the person and have the authorization of the Governor would be deemed an idle and disorderly person and liable to imprisonment.

On pagrah two we take the concession further than in section 145 - except to charitable contributions if they are made in any recognised place of worship. This is a serious error, if this was the only error but there are hundreds of them, some of them even greater importance in this Bill, and I'm aware that this Bill is being put forward without having been properly sifted. So this House is not qualified to deal with this Bill without very serious and deep study. Perhaps this was wilfully done, it might be that we are getting too many requests for charity, but it is wrong. There maybe in some other hidden sections of this Bill, some mention that says section 145 is of no value, not reading it straight forwardly one cannot in the future if this Bill goes into law make charitable contributions of any kind without the Governor's permission. And I think that would be taking away the rights of the people of this Island. But every time a service club wanted to have a dinner or a school wanted to raise a little money for some new furniture or even if you wanted a dance for the benefit of the poor to provide a Christmas treat you would have to go on bended knees to the Governor in Executive Council, perhaps it seems to get permission to do this. This is taking the pass too far.

My opinion there is one consolation for some Members, they will be able to make appeals for exceptional places of worship but the churches alone do not take care of all the mental needs of the community. And this Government would look very ridiculous if they arrested a person on the street because that person was seeking contribution for a charitable cause. Now, I do not want to promote begging, I do not believe in people getting something for nothing but when a person is seeking a contribution, for a valuable cause, that person should not be deemed an idle and disorderly person: Indeed I can't see how disorderly could come into asking for a contribution, and I don't see the word "idle" could fit a

MR. C. [illegible] (CONT'D). person that is asking for something, because one of the most difficult things for any human being to do is to ask a favor of a fellow human being. But, section 146 is just the beginning of this big bad bill.

On page 99 we have a list of twenty-two laws which will become obsolete laws that will be involved with the passage of this bill. And these twenty-two statutes are some of the most important statutes on our books. I only have to name a few, the forgery law, the larceny law, the perjury law, the Riot Law, the Treason Felony Law, the Dangerous and Offensive Weapons Law and the Criminal Deception Law, all of these will become obsolete and their contents will be compressed into one of two little sentences in some instances in this bill. Hundreds of pages of Legal Draftsmanship will be reduced to nothing in this bill. Everybody believes in bravery, everybody knows the good of bravery, but take a look at one of the most serious things on our statute and you will see what has been done. Even the charge of murder mentioned in section 169, subsec 1(b). Knowing of malice aforethought capriciously implies causes the death of another person by an unlawful act or omission is guilty of murder. Everything that has ever been written about murder on our books, and every case of murder that has ever been tried would be done away with and replaced with this two-line section.

I am not a Legal Draftsman, I am only a lawyer but I have heard enough about murder and murder cases to know that you cannot take the words which govern the case of English law and put them in two lines, particularly when it is dealing with an offence of murder. Of course section 169 goes on to further enlarge on it, but all section 169 does is to repeat what was in section 1 - that certain people could not be executed if - if they were convicted of murder could not be sentenced to death. And, those people would be pregnant women and children under a certain age. So, I say we have attempted to do here in section 169 what all the Legal Brains in the world have not been able to do because: in murder like any other offence there is murder and murder, there'll be different motivations, there'll be different cases, there'll be different reasons, there'll be different motives, there'll be different people involved, there would be different sentences, there'll be different reasons for prosecution. So, I don't see how we can take a sculpture an bread and we grave and compress it into two lines and believe that we have made a better law than what we already had.

I have mentioned six sections, but if I went on to the whole two hundred and eleven six sections you will find that in almost pursuit of the rest I would have the same argument. So, simplifying is a good thing perhaps in some instances, but in the Penal Code which is going to cover every criminal offence that has ever entered into the imagination of man, and is going to cover all the laws we have either on those subjects from the middle of the nineteenth century and which is going to remain for all times as a Law of the land, bravery does not exist, bravery, for bravery's sake does not exist. It is time that all of these things can be put into one law, but not into a merger one hundred pages.

This Bill does achieve one of the things mentioned in the memorandum, and that is the striking out of a meaningless morass of dead wood. But I too have kept what that carries me down a lot more than one but the Draftsmen and the Legal Department and the Executive Council have a right to produce this Bill for our study. But the Legislative Assembly as a whole has a grave responsibility to the people and we should not attempt to pass this bill without a detailed study of not only this all but of the other seventy-two or seventy-four laws that are being reduced to nothingness. This Bill must be withdrawn from the House and given better circulation by the Department of it. And giving more study by the Members because I'm afraid we couldn't have eight days without an amendment to him. We were very fortunate in the health bills that we went eight months without an amendment, but the things that are put in this bill and the things that are not are very material things. They will take substantial differences in the administration of justice in this Island. Here with a single blow we are doing away with the common law of England with very few exceptions in the common law remained, but as it that was not enough, we are also doing away with the statutes which took the place of the common law, and we will be left with nothing on our statute books.

MR. S. HEIS SOUZA: (cont'd): ... in this set of bills which has come before this House, there were nine good ones, there were three bad ones but here we have one that is nothing at all, absolutely of no use. It does not live up to the objects and reasons set out in the memorandum, the only thing it might do is to help the officials of the courts to find what they are looking for quickly and easily. But they will be a disappointed person when they find there's nothing on the page, and this bill is intended to correct things which might later on give rise to public embarrassment. The bill itself is an embarrassment to the public, to the Government and to me.

I am told in the memorandum that it is proposed to follow the practice adopted with success in many parts of the Commonwealth, I wonder how successful they have been. We do not have to follow what has been successful in many parts of the Commonwealth, because this country is not an independent country yet. We can follow what has been successful in the United Kingdom. I do not see anything in this bill to indicate that the common law of England or the statutes which have been codified, have been incorporated in to a compendium of only ninety-nine pages. But, to my surprise, I can understand in the pressure of getting the job done, the pressure of getting this out of this complicated task this would happen, but must we allow - must we here today endorse this statute or must we take it back to the drafters and say to them, in a more complete job, bring back the bill to us with all the errors that will be pointed out, bring it back to us in a corrected mode because then and then we will ready to. But, where has he failed, in the real grave offences - it seems on the other hand he have taken great care to proscribe the lesser offences and to write them out in language that is plain and simple.

Section 151 (b) says, that whoever uses any profane, indecent or obscene language is guilty of an offence. But isn't it a joke to put this in when we have shooting in this Island that are occurring out night after night profane, indecent or obscene language which has never been heard in this country before, and we as a society tolerate this. But we wants to be willing to pass this bill, so that if anybody in this Island mentions little bad word, you will be hauled off to court. We're really making a mockery of justice; I also understand why and we bother to include section 143 on obscenity and obscene publications, why bother it will be law, why bother to include that in this code especially when we do the ridiculous thing of accumulating the obscene publications including in those publications pornography films, and when a question arose Months ago we were told that they didn't know what was obscene, everyone knows what is obscene.

I cannot vote for any part of this bill to come into law, and I'm sure that when the people who have perpused it and the people who have presented it have seen it in its proper perspective. They too will admit it they are big enough and if they are humble enough that this law needs a burial - this bill needs a total revision.

MISS MARIE A. BROWNE: Mr. President and Members of this House, the best thing that I see in this bill Sir is Clause section 5(2): No person shall be convicted of an offence under section 5, upon the uncorroborated testimony of one witness. The Bible tells you out the mouth of two or three witnesses shall the truth be established.

Now, I have gone to the court house and heard people convicted on one single evidence, now this is the best thing I see in this bill. I am wondering Mr. President why is it now found possible that the laws that we had previous I would say about twelve years ago costing me I recall about forty thousand pounds, what has happened that everyone is wrong? Now, Mr. President I feel now it's time that we stop having all of these laws, because we have been running this country not too very satisfactorily I would say, but we think we've been able to get along. But now, every couple of years we hear this law is no good the lawyers if they have to study the laws as we have them go about their business, I in my humble way, I haven't had too many law books unfortunately, but I have to take what I have, search if I can't find it in one I'll find in in the other. I have four Ordinances in my office, in the event if I don't

MISS ANNIE M. BOGUEN: (CONT'D): [illegible] word to say if I think it is the other and the lawyers will have to do the same thing. I don't think we as legislators should come here and waste our time spending days to suit anybody, we must have laws that are workable and have them for the betterment of this country.

Now, I have studied this up to a point, but it's humanly impossible to go into all the ramifications of this bill and pass it without proper study, and, I for one would recommend that this bill be defeated for the time being. It is a very comprehensive bill, one that takes care of everything like crime.

I see here the Carriage Offences Law repealed, the Foreign Recruiting, the Forgery Law, the Larceny, the Malicious Injuries, the Military Training, the Church Law, the Obscene Publications which I passed in this Chamber two sessions ago, there laws are so good, nobody seems to know even what changes exist. Now, if they didn't have it at that somehow I don't how they're going to interpret it in this present law. I am for the law and order, but I feel that we should not rashly conclude that every thing we have done in the past is wrong. When the President sat up now has gone the Royal Commission and another one comes, I'm very sure he will say these laws are good laws and pass once again. And, I mean it's not good enough, we have been operating this Island I would say three hundred years - I don't mean as Annie Bodkin. I wish I had been born that long I would have more experience than I have know. But I feel that we haven't got to bring everything up to date, and I would respectfully submit sir that this is a very comprehensive bill, a very serious bill not one which we should take time to study.

Murder, we have all heard the definition of murder. Murder is the plan of a man or woman to take the life of another one, that is planned. Manslaughter is done on the spur of the moment, all those things we know by common sense as well as common law, but as the former speaker said to put it in two or three lines that is not good enough. We could have those lawyers, those trained lawyers come and hear this law to discuss it a minute, and I feel sir that while we might need some amendments to these laws we shouldn't do away recklessly with twenty-two laws and put it in a pocket with one hundred pages. I feel sir that we should take time to study a bill of this nature. I cannot agree that we might not need some amendments because to every lawyer we are all learned, but I just don't understand this rush for changing laws so suddenly, especially with all due respect here we got all our friends here somewhere said, the Administration to carry out all these laws. We keep what we have for the time being and go on, and when we get that we really know what we're doing, because I will guarantee you I'm not sure what all of this means.

- am not a legally trained person, I have learnt the hard way. Fifty years of experience, and I pride myself that when it comes to common sense I will put myself with any person I've met in my life time. Now, I won't say education, I would say common sense, and I feel Mr. President that before we rashly listen to the advice of everybody, anybody who come and say, well this law isn't so good, we've got a provision we should take time to study it. A law such as this or a bill such as this when it becomes law will affect us for generations to come, all kind of things you are hearing about abortion, marrying, giving - doing all kind of things, it's all taken into account I agree. Consumption of drunk, insanity, intoxication, immature age, compulsion, defence, use of force in effecting arrest, compulsion by husband, different kinds of punishments, sentence and death, fines, infinitesimal liable to short money, pollution, obeah - I wonder Mr. President if there is such a thing as Obeah, why is there a law against it, that's what I sometimes wonder). Abortion, administering drugs to a woman or girl, for our selves - will we have enough of them that we can call councilors if we haven't got a law, we can. Also then I'm sure. I have objected to the police several times on what I know are going on. Idle and disorderly persons, peace of street, obstruction of obstructable collections. Well Mr. President I really don't think that every line any part comma in no foot and need to be survey criticised, that we should have to go but use a license or a permit for such things to do. I feel that that should be a matter of free agents. I don't like to buy survey. I'll do without it rather than buy

MR. SPEAKER (Mr. Nixon): I'll give it myself if I have it. But in this day and age when there are many problems to be discussed people have to ask, and I don't think that we should be really aggravated in doing that we called bills. So we think that is a big job getting money out of some people

[illegible] poor persons suffering from diminished responsibility; everything is covered under it, but is it covered sufficiently to know what we should do when it comes before a court of law or will responsibilities be found in some bill that we will make, it might not be five thousand dollars it might be fifty, because something is wrong with the law or something is wrong with the administration of it. I feel, Mr. President, and I would respectfully suggest that we defer this bill until we can have a proper study of it, and maybe by September we shall be able to know exactly what is good about it and what is bad.

I thank you Sir.

MR. [illegible]: Mr. President and Fellow Members, I'm afraid to even speak on this still. I'm afraid I might get life imprisonment.

I'm surprised that the word "dead wood" was used in the memorandum of objects and reasons, because if I had to pass my humble opinion on this Bill I would say that ninety-nine point nine nine percent of it would fall under the category of being dead wood. I too have to wonder what has happened in our country that for years we have had laws on the statute books which were quite adequate, and all of a sudden we find everyone of them is defective and wrong. The people who framed our laws before us must really have been more idiotic than we that are in the House today, because every Bill that has been on our statute books like this one, I think we're correct twenty-four in this one, we have to keep revising them, changing them and every time we hear they are good but lame.

Mr. President, I wasn't kidding a while ago when I said I was afraid to speak on this before I get life imprisonment. But I would say that I'm afraid to walk out of this building when I get through because just about every sentence I see in it in this memorandum. Now, I'm not one that is going to stand here and tell you that I am sympathetic with a person who has committed a crime. But I believe that we should have clearer definitions by a lot of brave beings. And I'm not convinced that that is the case in that particular Bill that is before us.

I for one, do not like to call on help from people, but I would say Mr. President that if ever we had a Bill come before this Assembly that we should have called in whomever you may've called in the best legal minds or whatever it is in our community I think this is where we needed them. In my opinion before this should ever have been presented to the House, because it's only a few of us in this Assembly that were privileged to have legal minds. The rest of us are all laymen, and Mr. President, we should have called everyone that could have given us an idea of just what was involved in this particular Bill. We have taken twenty-two old laws plus only God knows what else that was covered under the old common law of England, and we put it together into a hundred pages and then some Members of this House would have the audacity to say that we should be able to come in here and intelligently debate this in seven days. I know that some particular Members in standing right now because he thinks I'm going to visit the other side of it, because he knows that that has been out since March. Maybe it has been out since March, but if it were I did not study it at that time. And, I will. So I think that I make it a point to study every Bill that comes before this House.

Now, I will admit not being too intelligent. I may sometimes not have everything right but at least it's a big enough box to display my foolishness by coming up here and debating it to find out whether I'm right or wrong; at least I'm not showing that I'm going to be led by the nose by someone else who tells me it is minimum. My own little feeble mind must make up its own part of it to tell me whether I'm right or wrong. This Bill may be needed Mr. President, but I would echo the words that I've heard said here just before by some of the other Members, that this Bill at this time should be withdrawn from the House, taken back at a

MR. JAMES K. MORGAN (CONT'D): ...bill and during that time try to get as many lawyers as you could along with our own legal staff to brief us on it. I think this is such an important bill that we should have more than one person's opinion as to whether this is a good or bad thing. Each of us is going to put different interpretations on it, whatever we do with this law today or this bill rather is going to have great impact on our country in the years ahead. It's going to affect every human being to an extent that lives in this country and this is something that we should give good attention to, not just try to hurriedly pass it as we've done so many times in the past here.

I heard someone say, that it took the Romans five hundred years to codify their Penal Code. I do not know whether that's correct or not, but we are trying to do it here in seven days. I think it must have taken the mother country longer than that because I don't believe they have it up till today. And as British Law which is held up to the world as being some of the finest laws that are made, then why is it that we must follow the footsteps or probably again the Eastern Caribbean as some of these semi-evil independent countries in this territory to try to do the same with ours.

I understand Mr. President, that a lot of the things that were normally covered under the common law have been changed under new codified and stipulated in here. Now, common law has always been used in my opinion to give some levity, but once we put it in to a common law case then not apply anymore. Mr. President, I would like to draw the attention of the Members of this House to section 11 (2). This is in regards to the good intentions of a person who is intoxicated.

Now, Mr. President it is a known fact or an unknowingly fact rather that the road is built is paved with many good intentions. But, if I read this correctly, unless there is some further definition nor intention that what I can read into this particular bill or clause that it would be very easy for an intoxicated person to say that he had no intention to drive his car recklessly and kill someone, that can be his defence. Now, if I am making the wrong interpretation of it I am willing to listen to the learned minds later on, but Mr. President I've read that a couple of times and that's all I can make out of it. A good intention, a man is drunk, gets into a car, drives it away, knocks someone down and kill them, and then when you take him into court he can say,"My God; I'm sorry I did it, I had good intentions not to do it but I did it". Now, does that help anyone, wouldn't that take a machinery on every law that we are trying to put together here today?

Section 30, I think I have scratched this all fairly clear in regards to definitions, and again Mr. President I cannot find anything in this law that defines imagines. Now Mr. President, can I be penalized under this law for imaginations that I may have in my mind? How are we going to know what is imagine, how are we going to treat it in law? If I may use a little joke at this point, I heard many times of the case that was tried in the Grand Court here a number of years ago, and the person who had been convicted said to the Judge, "Your Honour, can you do anything to me for what I think", he said "No", he said "Well I shall think that the man is a son-of-a-bitch". So, if he can't do anything for him for what he thinks how can we do it to him and determine imagines? Now, I have no legal knowledge, I have never had the pleasure of gracing some of the big halls of the Law Society and so forth, but I cannot understand this as a layman Mr. President and I would like before we put the stamp of approval on this to have some intelligent answers to some of these questions.

Section 67, again Mr. President we have certain things here that we are labelling as offences, and labelling in that they become under the definition in this law I would say, 'Prohibited'. Now, Mr. President I would like again a good answer to this one, for years our people have killed the little bit of soil that it is in this country by the use of a piece of steel known as a machete, some people unfullmentally call it cutlass. An ice pick, something you use in your home, a knife you use it in your home, as again I say, some of the old time people used the old razors, we today use the electric ones or the razor blade ones. But, we are

Mr. Jacob H. Gilbert: [illegible] outlawing all these as offensive weapons under this law, we have no thing as prohibited and yet Mr. President we are not defining the use. Now, I can riddle some skunk with buckshot pretty damaging thing when negligently, but in order for us to use this description that is in this bill Mr. President I feel like there has to be something in there in regards to the use, that it must be used offensively to be determined as a prohibited weapon. I just don't see putting it out here the way we have it that these certain things are offensive and prohibited.

Section 121, that is one of the worst ones. That is insulting the robbery of a woman there is nothing in the world that I love any better, but we're going to take about maximum base and cover it in this bill and tell a man that he is subject to going to jail for one year for using what could be determined [illegible] as a bad word. When Mr. President the airwaves in this island today've gone with it, you can now anything you want to see there, you can hear anything you want to hear. Well, if we are going to put this kind of thing into the law that's one of the first places that we must start at it. We have had occasion in this House where those things, I'm not trying to be a prude, I'm not trying to be a moralist. I have as many faults as any person in this assembly, but there is a point that you reach that you do not be pushed any further! And, so, President how can we put the little man in the street who may have had couple of drinks then too much, for using a little bad word when you can go to the clubs and pay your $40 dollars and hear all the bad words you want - the big ones, no, can't see it.

Section - I want to touch on and I had - I didn't intend to do that, but I'll go back. We usually follow everything that any other country does, but I'm glad to see that we have not followed our sister country in section 132. I'm glad that we've been able to stand on our own feet on that one, because I wouldn't want to see us included as try to include any more things into the community than what we are going now.

Section 140, this I go along with, it's very much needed but that comes [illegible] a couple of more that I have to question Mr. President, because we're told it's an offence and I will admit that I read this bill much faster than I usually read the other ones. But I have not found any mention of this bill that says at the end of it which is usually found at the end of the bill. Any offence that has not been covered under any other section of this law the penalty in Bahamian as such. Now, it maybe in and I apologize if I'm wrong but I have not found it, so we say it's an offence but I haven't been able to find out what the penalty for that offence is, but I'm pleased to see that we are planning to give the less fortunate children a little bit of help.

Section 141, chain letters. Mr. President I seriously have time to handle the ones that I should handle, so it's not fair again to mention the names of the chain letters, but this is something that has been going around in this community from the time that I came to knowledge and it was probably going around before then. And for someone to try to codify this, now I don't know whether we have a general law that covers it, if we do, then Mr. President I believe ninety percent of our people including your senior Civil Servants maybe would be in jail in the past. Yes, for doing what a simple thing as I would call it a man or woman can be put in jail for up to six months and a fine of up to five hundred dollars or both.

Now, we have taken something like this to court and put into this, and you Mr. President as I seem to think I can't find anything about the dangerous drugs and so forth. Now, that is the thing that is destroying our community, I'll agree we've made some changes in it recently, we should make more lately but why didn't we codify that into this one then also if we are going to codify such a simple thing as a chain letter.

Section 145, again dealing with obscenity. Now we are trying to bring these laws up to date, we are being told that this is something that is badly needed. But Mr. President, if I recall correct y - and I think the Hansards will bear me out, we have had quite a few arguments in this Chamber as to how you determine obscenity, and we never did get a correct answer for it. Under the old law, the discretionary law I think it is dealing with something like that, you had to go and get a justice of the peace, swear out a warrant to get the film confiscated and then take it to

MR. DAVIS M. ROGERS:(CONT'D) court and let the court determine whether it's obscene or not. Well, what might be obscene to one man might be obscene to the other, so during every other word nearly not something as important as that is not defined. So, that we have a loophole, we take it up there to the court, and what do we look like? Mr. President I feel that if we are going to leave that certain section in there, then we must define it. We must have some control over the type of films that are shown in the Island then, and Mr. President the beauty of it all is this, that all the other offenses carry such stiff fines but this one is a pure three months in jail, two hundred dollars or both. Yet for some of the other things that are a lot much worse than this you can give a man life imprisonment.

Section 146. I'm still wondering where this one came from. It has been the custom in Cayman for years for people to contribute to worthy and charitable causes, recently we have brought in a thing known as the National Council of Social Services. Mr. President, how is that council going to get its money? I understand that it's roughly a quarter of a million dollars needed for this year in order for that to operate. Yet you're going to put in a law like this that would probably two cripples although it says except being it's a government body. But, Mr. President you must tell me that if I go out on the street and try to collect ten dollars for what I consider is a worthy cause which is you to help a family that is in dire distress and needs food, and maybe I can only get ten dollars, and maybe I go to Hale and he puts ten, and you're going to call me then I'm guilty of an offence, or you're going to call he I got to come down to your office and get your permission? I will say then Mr. President, and until I can get some further clarification on this that this is insulting to the intelligence of every human being in this House.

Section 147, I'm going to skip.

Section 150 deals with obesity again. I don't know why they put this one in between, that should have come in my mind after the next one being we're dealing with obesity. Again, I have to speak subject to not knowing any better, but I do not believe that there is a law on our statute books at the present time that says every little bit of money that is collected for charity must be reported to you. Now, I can see a little bit of merits behind it because in countries like the United States this particular thing has become in the great new years a racket. The same thing could come here. So, I would not put so much emphasis to section 150, but I certainly would put it on 149.

Section 149 (d). Every person being a suspected person, or reputed thief, frequenting any wharf or warehouse near or adjoining thereto, or any public place loading thereof or any public place whatsoever or any place adjacent to a public place, with intent to commit a felony shall be deemed to be a vagabond and a vagrant and go forth and so on.

Now, again I had to plead ignorance, but what it appears to me that we are basing it on the fact of him being the reputed thief. Now, if he has committed a crime I can see him not being taken to court, and hope we can convict him. But if we are trying in any way to make the application here on the point of him being a reputed thief, because we just remember the Bible, he probably committed any more sins than Paul and yet he became St. Paul. So, it doesn't seem because a man has stolen ten times before that on the eleventh occasion he might not be as honest as anyone in this Assembly.

Section 154 (b) works on any fence, wall or building any obscene figure, drawing, painting or representation, or sings any profane, indecent or obscene song or ballad, or writes or draws any indecent or obscene word, figure or representation, or uses any profane, indecent or obscene language is guilty of an offence and liable to a fine not exceeding $100.00.

Now, Mr. President, again why didn't we leave out the clauses, why do we just put it on the fence or the wall of the building? This doesn't seem right. We must remember someone would come in here and put something on that wall, and I walk back in here - we do not charge a fee to enter that door, although some of us might have to pay quite heavy; equally you wouldn't have to pay and you can see it for free, but down at the cinemas or the theatres you must go and pay to see it, and yet we don't

MR. CHRIS V. BOTTOMS (CONT'D): covers it under the law, Section 157 (1). Much of this again leaves us a bit bewildered, for pretends to possess any supernatural power.

Now, Mr. President if this Assembly we in so many other places in this legislature have so many people that claim to possess these supernatural/things what are we going to do? Do we have enough jail space to put these people in? I don't know how you're going to define it now, this is supernatural powers, and I know that we have some friends that do claim to have wonderful supernatural powers.

The next one is 166, this is becoming just like a sermon singing the hymns. Section 166, Mr. President again I am not considering this motion but again the whole world is becoming permissive minded A lot of other countries in the world have made this same crime that we're talking about here something of an everyday occurrence that can be done freely. Now, I can agree to a sentence being passed on this Mr. President, but I do believe that life imprisonment for such a crime is too much because we must remember in a lot of cases you could probably be getting certainly a lot of things like this were done. I am not saying that we become God, I do not intend that, but Mr. President I believe in considering what I think without carrying the Bible under my arm and shouting, because then you shout you must obey God.

Section 168, again Mr. President I can see giving maybe the life sentence to someone who may strangle a person to death or put an explosive around a plane, or something of that nature, but for anyone that would throw corrosive substances - any corrosive substance in a restaurant it would mean many things it could mean Mr. President the wife that was supposedly have been thrown in my colleagues face one my wife a couple of years ago at the last election, or it could mean such a thing as the plain nonsense. And for throwing that we're going to give to a man life imprisonment? I think we must use some discretion although I have to use that word, I'm using it in the sense of saying that those some of those - the one we're giving life imprisonment for, but the other ones maybe give twenty years. Because, if we're going to hand him to Jessica he's in bad shape.

Section 190, previous penalty same. Again I am not a lawyer Mr. President, but I think that many legal interpretations could be put to that. Causing bodily harm, I have heard it on a couple of times around in court and I've heard varied meanings attached to it, it is subject to many again, is very arbitrary I'm sure, but again we're giving the man life imprisonment.

Section 210 (2). A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force. A person who commits robbery is guilty of an offence and is liable to imprisonment for life.

Now, Mr. President I don't know what the law is now, but I don't believe that's in the law now, because we are saying here that he must only put fear into him. Mr. President, that could be interpreted many ways, because sometimes when I hear the bench on that side speak I just shake over here in fear, so the same thing would be applied in the case like this.

Now, I cannot see putting the man in jeopardy of going to jail for life just for something like that, I can see it if he is considered to be a habitual criminal and probably has eight or nine convictions before that for robbery and on the tenth time you say, well buddy you go for the rest of it now. But not on this Mr. President, that could be the first time, it could be a young kid, we do not know who's going to be our judge twenty years from now, we're not going to know the view they may have, we always respect the law, we always respect the judges but Mr. President they are also liable to make mistakes just like any of us. And, it could be carrying this to extremes, we have learned the age to it, it could be a young boy 17 years and six months old has stolen from college and legally the judge could do this, and what are you going to do

MR. JAMES K. BODDEN (CAYC'A): about it? Give him time for it, I could never stand here long enough to agree with that.

Section 222. Whoever dishonestly uses without due authority, or maliciously causes to be wasted or diverted, any electricity is guilty of an offence and is liable to imprisonment for a term not exceeding five years. I wonder if that's in our books today? 'Wasted' Again Mr. President that can be interpreted in many different ways. you could have - be a electrician and hook up a meter wrong and you have waste a certain amount of electricity, are you going to put the man to jail for five years for doing that? Caribbean Utilities must have our Government hoodwinked in many ways than one.

Section 223. Again I have to crave the indulgence of the legal minds, I do not know whether under our present system that in the case of a Justice of the Peace issued in the search warrant whether it's addressed only to a constable. In my opinion it seems like it should be addressed and carried by the constable maybe, but addressed so be it you're coming to search my home, the person involved in my opinion should be the one that this should be addressed to. It doesn't say that he may either present it again either, it says he can enter, we got to be very careful about this. Another thing Mr. President is, "previously" in this particular Section, just because the man has committed an offence and stole five years before and we in he's paid his penalty to society must we still victimize him and convict him of ourselves? Are we putting the man in double jeopardy? Because it says, if they have a fear that they maybe stolen goods in the man's house, if the person in occupation of the premises has been convicted within the preceding five years of handling stolen goods or of any offence involving dishonesty and punishable with imprisonment or if he has been convicted within the preceding five years of handling stolen goods has within the preceding twelve months been in possession of the premises, a search warrant maybe issued more or less just on that basis without having any proof that anything is in that house. You don't know, but just because that man stole something else and was convicted for it five years before that you run off and get a search warrant and you go into his house on presumption, because we have already seen a thief, paid his crime to society and then you're going to continually victimize him.

Mr. President, with all due respect, but this bill doesn't seem to be thought out in the way that it should've been before it was presented to this House.

Section 230. I have read that one a couple of times and still I'm not certain about it, because I think necessary to maintain. Like that we now have on the statute books I do not believe that we can't force a man or wife to give evidence against one or the other. Now, part of this section is saying that you can and part of it is saying that you can force them to give it but then you can't use it as evidence; that is my interpretation to it. I wonder why we put it in the book like that.

Section 243. Whoever wilfully and unlawfully kills, maims or wounds any animal capable of being stolen is guilty of an offence and is liable on indictment for a term not exceeding five years. Again, I would have to say Mr. President that the main and animal and serves five years for it seems like a very stiff offence. And again I have no plural ignorance because I current understand that in country any animal capable of being stolen, that one doesn't make sense to me because any animal in my opinion if you want to steal it could be capable of being stolen.

Section 244. This is dealing with the registering of titles, burial certificates, registers and so forth and so on, and some of these are serious offences I agree but not all of them. And to say again that you're going to give a person fourteen years, that's a long time in the Jamaican Jail.

Section 247. So, 244 (a). Again you're going to give the person ten years for doing damage to a well, now I'm carrying this one to extreme because you got other things above here that we can do, but the simplest one I've found is doing damage to a well and he can draw a ten year prison sentence for that.

MR. J. NILES N. BOOCEK: (CONT'D). Section 347, again we have this phrase "capable of being stolen".

Section 248 (2). Whoever unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages any plant, fruit, vegetable production, tree, sapling, shrub, or any underwood - and it goes on to say different other things with this. ... any pleasure-ground, garden, orchard or avenue, or in the grounds of a dwelling house two years in jail or five hundred dollars or more: boy, I'll tell you one thing we better be very careful in the future how we root up trees. Now, I know that's not in any law now.

Section 237 (2). Property of a cheque, like imprisonment, and I think it also includes writs. It's a good thing we didn't have this one before - a good thing or we would have plenty people in jail for life. Now, where did we get these from, this was like the questions I asked yesterday in the juveniles bill, these figures, 7, 7, 5 where did we get them from? What is the magical idea behind it? I just cannot believe with the love I have for this country that I have been living in this country all these years with the award of homocides of such high sentences for the lesser little thing - uprooting my neighbour's tree, two years.

Section 249 (g). Removing a stamp from any material. If I read this right again, you've got certain companies that are manufactured, you'll tell me this is why it's in I guess when we get around to becoming an industrial state. Take on the manufacturing of matches in the United States you have a tax on them and it will tell you that it's illegal to remove it, but I'll tell you one thing you wouldn't have to spend seven years in jail for its why, we are really getting ridiculous with these jail sentences. Six things we should put them on we're now putting them on, but something like the removing of a stamp from material, seven years.

Section 263, altering a cross cheque again seven years.

Section 293 (d). I know one thing if we had a bed this one on our books before three quarters of this country would be in jail and ninety-nine percent of the professional people, ninety-nine percent of the Government employees and ninety-nine percent of the Politicians. So, we would have had nothing but a jail house in this country. So I know that can't been there lately, because it's never a country in the world that in certain places you can't have such professional and shameless examination as you can in this island from people whom you expect better from.

Mr. President, I beg sorry and I implore the Second Official Member who is piloting this bill to seek the indulgence of this House to withdraw this bill and present it at the next sitting of this House, and between now and then call the Peravia Members together and try to explain this bill to us, maybe we might be come wiser. But, Mr. President I must again say that for the way that I read this bill, and it maybe needed but I think it's an insult to our intelligence to bring it to us in this fashion, and we must remember these laws some of them may have been made fifty years ago and that's why we've got to change them today; but if we make this into law today we do not know who's going to administer this law twenty years from now. And, by that time Mr. President, it maybe too late, because you might not have any country left, everybody might be in jail. So, I hope that this consideration will be given to this, and that the Members of the other side will not vote you to this just because Mr. so and so said it was a good bill.

Thank you Mr. President.

MR. CRAIGH W. HILL: Mr. President and Honourable Members, quite a bit of discussion has taken from this bill. I voice the sentiments of other Members who spoke on how complicated the bill was, the voice of opposition had said so much that I find myself in a position where I can only voice what was said by them in many respects.

Mr. Charles M. Hall: (Inaudible): While reading the memorandum of objects and reasons we learnt that the Penal Laws of the Islands are to be found in some twenty-four enactments.

Dating from the middle of the nineteen century we also learnt that it was written, and at that time it was also far behind; quite a bit has been covered by previous speakers on the matters in this bill. The arrangement of sections numbers some - about two hundred and ninety-six. It is stated also in the memorandum of objects and reasons that any omissions which is made to this bill might give room to public embarrassment; that is hardly valid, and I think quite a bit of embarrassment could arise if we have pass it as it stands.

We have are repealing quite a number of laws as I see it on page eighty-nine. These laws were many, and we are doing away with these laws at present to make it simplified. It is proposed to follow the practice adopted by many parts of the Commonwealth of collecting the penal laws into a Penal Code. Just to speak of a few sections, because of other Members speaking on many sections, but there are sections like section 121. Whoever - this is dealing with the insulting the modesty of women or woman, whoever with intent to insult the modesty of any woman utters any word, makes any sound or gesture or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, is guilty of an offence and liable to imprisonment for a term not exceeding one years

We have in this Chamber have been discussing of sending our prisoners away for punishments, and we are just now again making a law which would send a prisoner for one year away from this Island. It is a knowledge that prisoners here whoare sentenced over a term of six months they have to go overseas for their penal

Then again in section 145. This is just a matter of a few sections that I would like to comment on, because other Members commented on so many sections that I don't feel it is right to be repeating what has already been said, although I think that some of these sections that I'm referring to may have been brought to the attention of Members here. And, this section 121 speaks of using the modesty of a woman and the use of indecent language, and different things; and I'm sure as a Member on the cinematograph board, I do not attend cinemas, but from what I have learnt the words that are used in some of these places are much more insurt! Even what is said by a person such who has in a drink or two on the street or on his way home or is aggravated by some fuss or the other, and not meaning anyone to see who is present when he is using them; but here you are dressed up closely for the ball listening to filthy words being used in the cinemas. That we are passing a law here where on the streets or any where that he says that word, and he believes innocent, he's sentenced to one year imprisonment in Jamaica.

Then on section 145 as I've said, whoever for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his possession any book or most obscene writing, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films, discs, tapes and so forth. I am aware of the fact that in our book stores, in the heart of George Town Kenny you can go and purchase pictures, photographs, writings and drawings of very immoral nature. And these are being administered curiously to people who go in and ask for that particular book, and anyone can walk in regardless of age and purchase that book from that many stand.

Then again on section 147. If a man pretends to be married to a woman, or believes that she is lawfully married to him and has sexual intercourse with him on that behalf is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

Mr. President, if that law was to be carried out in its present form I or more today the prisons would be filled. But in this bill in the memorandum of objects and reasons I see where how critics, out of dead wood which was mentioned here, this is what they say they are doing, cutting out dead wood. I am sure if the dead wood is cut out it won't be many live woods around. As are doing away with the Common law, a law to which we worked from many years. Mr. President, we must follow

MR. CLAUDE V. BILLINGSLEY: What has been a success in this Island or the Islands in general. If these are the things that make the commonwealth countries great in any way we shall follow them, for it's plain to see that some of the commonwealth countries even today -- those with whom that they have not only within the commonwealth but crown colony like the Cayman Islands.

Mr. President, I shall be closing my remarks on this bill by suggesting that this bill be deferred until September, which should be the next sitting of the Assembly where the Second Official Member can take this up to the Legislative Council here to go over this bill. The matter arises here that they are changing -- these are repealing this Law and they are striking out quite a bit to make it applicable to many lawyers who do not wish to seal apparently, and if we have been going along with a law such as this or parts of it, I feel that it is quite time for us to do something in order to retain our respected places in this community.

I thank you Sir.

MR. JOHN D. JEFFERSON: Mr. President and Honourable Members, I rise to speak to the Penal Code. Certainly there has been a lot said already in regards to it, I give no assurance of course of what might be or what will be proposed during the committee stages in this bill, but I rise in support of the principles of the bill that is before us.

Meanwhile we have our Law - code like this that replaces some-thing like twenty-one others and puts it all in one nut-shell it is natural that we have to look at it very carefully. We have to scrutinise this bill with all there is in it, and that's why that the Chairman of - our hope, but suppose that the Chairman of the Select Committee will be able to give us guidance as he has in various other terms. As far as I'm concerned I support the idea of bringing our system up to date, our court has been bogged down too many times our system has proved inadequate, and I do one favour the fact that we must bring our system up to date. I believe that there is a need for the tinkering up of this system, but I will not say anymore on that in regards to this bill because wherever it goes through committee stages we are going to be doing everything possible to see that only what's good for this country is left in it.

I do so support the idea that the bill should be put off until September, I think that we should go on, put it through in the committee stages. The committee stages gives us an opportunity to be able to call for people and persons if necessary, to be able to enable us to understand fully anything that we need to know about the bill. I urged my self to look through this bill, certainly there has been so many - so much already said, so many of the sections already been cover - make you feel badly because it sounds like repetition, but in a bill like this one cannot help but [illegible] out anything or the things in it that catch the eyes, and there's a lot in it that catches the eyes I can assure you that.

But Mr. President we live today in a sophisticated age, we are dealing with all kinds of people, certainly we can't go back or we can't stop and say, well what worked fifty years ago is still adequate today because it isn't. And we are aware of the laws that we had laws were laws that were made until we have experiences of decades, and certainly there were a lot of things there that were good enough for us, and certainly I believe there is a need for us to be able to bring our system up to date.

I noticed, like the other Members in the various sections especially sections 43, 44, 45 and 46, and we see in there the law deals with some of the things that we have been talking about in our past sessions. And sections 42, 43, 44 and 45, they are speaking about the obscene literature and various other things, make reference to the pornographic films and other things, and certainly I feel that there are all good sections: we need them, we need to get on with our job as we are doing our system in and place the responsibility where it belongs. I myself Mr. President, and the Government concern of also is the bringing in the introduction of this new system, isn't going to discriminate in favour of the wealthy at the expense of the poor. Now, that is something that bothers me, that is some thing that I questioned: there is a question mark there in my mind. In this

MR. JOHN D. MACDONALD (CONT'D): new system it's going to cost a man to go to court and sue, and that's what happens to the poor man a lot of times, in the past he has been that way, that's the reason why we have had to bring in the land adjudication law and other laws. Land registration and what have you. So many of the poor people have been deprived of their land because somebody else had a better lawyer able to go in and do that.

Well, Mr. President it's saying that the thing that bothers me a lot about these myths, as I've said is that there won't be a discrimination against the poor in favour of the wealthier. I can assure you that that is one part of the system, that's going to have to be made a little bit clearer because as far as I'm concerned I have a greater responsibility for that particular person than anybody else.

One of the Members made mention of the section 115. Whoever commits the offence of rape is liable to be punished with imprisonment for life. I'm glad to see that Mr. President, but on the other hand the trend of today makes me think. I have always said that if I were ever allowed to serve on a jury, and any woman that was brought - any man that was brought before that jury on a charge of rape, that woman had better be able to prove to me that it was indeed, because the permissiveness that exists today certainly tends to attract men many times in the wrong direction. And I am sure that as well as I support the penalty for this I hope that we are just here making a law that's going to deal to such an charges of rape, because that has happened many many times not in this country but in many other countries that thing was been used to a great disadvantage and many times many men suffered and certainly weren't guilty.

I was the other section, I think 121 where was spoken of. Section 121, Whoever unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of an offence. Now, Mr. President what these sections, what these points are for these sanctions will act as a deterrent to a community. I think that these sanctions will tend to help people to think either you know I for one support capital punishment, and if we go back to old biblical history and biblical laws we'll find that the biblical laws for many of these offences were greater than planned within this law that this afternoon. The only thing that bothers me is the administration of justice in these various cases.

I'm glad about section 120; I want to say here that I am one hundred percent against abortion, and I trust that this country will never lend itself in that respect. I heard statistics the other day that more babies - more children die in the United States in one year because of abortion than was lost in the first - second world war, the Korean war and the Japanese war, and that's an astounding figure Mr. President, and I for one say that no country in the world can ever prosper, can never expect to have the blessings of God indulging in so much immorality and sin.

I see it would seem like the penalty for indecent assault on boys, etc. - reading 148, and I must join the First Elected Member from Pointe Coupee in that 148, because personally I owe to our mother country a deep sense of respect and honour and dedication, but personally I have been distressed for the last few years to learn the fact that homosexuality is legal in the mother country. And I will ask myself the question, how immoral can any country get or any people get? Certainly I can assure you that under no circumstance at no time would I ever agree to anything less than what is written in this law here this afternoon.

I also in section 137, I am glad to see that written there, and I think it is only proper that we seek to enforce it. It frightens me Mr. President, when I think of how common law practices or common law life seem to be so predominant in this country today, it frightens the average decent person to think that things that were wrong some years ago, there is nothing wrong with it today because everybody is doing it. I'm saying that it's just as wrong today as it was a hundred and fifty years ago.

MR. JOSEPH D. JEFFERSON: (cont'd) I am happy to see section 174. I want to live in that kind of society. Who would intentionally or negligently drive any act which he knows or has reason to believe to be likely to spread the infection of any dangerous diseases to health or quality of an citizen. I would like to see it go even a little further than that. I would like to see written in clear language the fact that when a person is found with a contagious disease such as venereal disease, syphilis or what have you, that they are forced to tell where they've got it.

Now, you can say what you like while you infringe on somebody's right or what have you, a man's vice when he steps out of his own responsibility to the responsibility of other people, infringes on someone else rights. And I'm saying I would like to see that written clear in my mind.

On murder there is a lot written here, and certainly we'll have it go through in the committee stages, but I believe that a man that takes the life of someone deserves to lose his own. I have always supported capital punishment, and I forever will.

Section 11A. Whoever, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, is guilty of an offence and is liable to imprisonment for life. I support that Mr. President, and there were lot of things in this game, such that I support, and I'm saying that there are some good things that these are not good things necessarily, but there are very sound things in this law that there is flaws - but, nevertheless it will get its going through in the committee stage, and I can only hope that every Member of this Legislature will endeavour to reform it with the same seriousness of the time, that we will go through this with one thought and mind, and that is to get the very best for the people of these Bahamas.

I thank you.

CAPTAIN A.F. KNOWLES: Mr. President and honourable Members, Mr. President you are almost a new comer to the House and so I'm asking you to give me your sympathy. I am the freshman politician for the cool scenery, I am the freshman politician and I know nothing about playing. I think the way it is played as a rule in this House. Certainly I am one of a very few who cannot claim to be a lawyer on this side, and therefore I depend on the ability and integrity of the Second Principal Member to chose their air and freely admit that I did not do too much homework on it. It is quite an extensive bill, very complex, and I would say knowing of his integrity and his ability for many years I am placing my confidence in him and particularly his Legal Draftsman, I think he is very good but at that sort of thing. So, I crave not only your sympathy for my lack of know how to play these politics but the sympathy of the whole House.

There is one thing in reading the law that I didn't see, but I would like to see that inserted somewhere in this law that any man squatting on property that isn't his, no matter what time the rightful owner returns to this country and finds that there he will be in a position and will have the law or his side to back him up and maintain that person and that that person should get a fine of at least two years for trespassing on what land which he had no right to. And I say this Mr. President because, take me for case, I'm in the Bahamas and I've been a number of my life and I have four flights of my - four months of my family living in Canada, and another four months expecting to go there in the next years. And if those two children and my grand children were to remain there fifteen years, I feel twelve and a half would be enough under the present law. When they return to this country anyone could go saying Long Harbour or any part of Little Bahama, anywhere I may land in Cayman Brac, establish himself, nobody's going to worry about it they probably think he bought it. Build himself a shack or run a fence around it, plant a few trees and take away the land. That is one thing I would like to see go in some law in this country to abolish the chances or to write off the claims of anyone squatting on land and claiming it. I don't think we're

CAPT. Bill Kelly: (cont'd): right. I can't see any justice in it whatsoever. As far as the hall is concerned we submitted it back a long time ago. The Bahamas took five hundred years and we took ten hundred and ninety-three, I think it is. But it's been well worked. We should have our laws revised, nothing wrong except revising laws that are obsolete and out of date.

Now about - the Member brought up the question on machetes and razors and, being original. Well, I feel that if I were to be apprehended a policeman when I'm in my garden at the gate of Negril Harbour because I had a machete and a knife or something with me, and a hoe and an axe which I usually have out there, I would tell him to step into the Canal, it's full of his business. But, if I were to take that machete into Gallows Point one night and sit down at the table and tell the Chef, look here I'm too tired to cook my steak, I want you to cook it for me and hurry up about it he would be perfectly justified in calling the police, and I should be sent to jail for that; that same thing would be applicable to my carrying an Axe pick or a razor, I know are certain places where they are not permanent.

And as for obscene language, I want to be fair to the crowd. I agree with the Member that vulgar pictures have been shown, that should not be, but we're quite different to sit in a theatre where you choose to go in and pay your two dollars and listen to the filthy language that goes on on there, that's your business. But we're a different breed - different kettle of fish than when they attend up on, East Street or Albert Panton's Street at Bleeding road in the little city of Georgetown and you're walking along with a lady or with ladies, or for that matter in company with anyone it's a different story, there is no comparison. You can't really put a Theatre in jail, and you can't tell the manager to go in jail either, because he didn't make the pictures. But there is a law for that. The one thing that disturbs me over this bill and every other bill in Cayman - in these Islands is that we haven't got the infrastructure to carry them out. I have brought bills since I've been here to take care of the various happenings there is a bundle of them here, true, they are all bills. I thought I had enough laborers at home. I have three but they're filled up. Look here again, "Bills" but we haven't got the infrastructure to carry these bills out.

Now, Mr. President within the last month since the turtle season - well, the laying season they started - as I said, the season for the turtle. I know that ten full grown turtles have been eaten in these Islands and it's a great pity or less. Six of them were big laying she turtles, it must have been a disappointment to the ones too. But those turtles would have laid an average of two thousand four hundred eggs in our beach, so take that count, they lay five times that because they lay five litters. That would have been about ten thousand eggs on our beaches, and it would have helped to rehabilitate the turtles, and what's more than that they were the best tackles, they were the Caribbean turtles far superior to the Pacific ones. And that is where the policemen are wrong, I know that those people were poor fishermen and I even trust it's really hard for them to refuse to catch that turtle, but then law is law. The same thing applies to a man who hasn't got any money, that doesn't mean that he must go to the bank and demand it and take it because he's entitled for him to do so, and it is unlawful for a fisherman to catch a turtle in the laying season. But our police don't seem to be awake at very much. The only thing I can recommend them for is fast driving.

It's a great pity that people don't have another respect for our Natural Resources than they have, but it will never stop until the law is enforced by the police. We must have the infrastructure to carry out this law, it isn't worth what paper it's written on if I have it home and put it in my cabinet and everybody else does the same thing, and the police never see it and the police never act on it, it's not worth what it is written on.

When I read the article 257, it made me remember the two drunken Irish men who were having their lunch and one took a lucky dose of strong mustard, and when the tears started rolling down his eyes he says, Oh what' how rubber. Now, when I think of my dear mother and father buried in England, now of all the shame, he said I can't help crying. He

CAPT S.A. REID(CONT'D): ...says, what's so bad about that, well he says it would be done in England than to be in Ireland. And then like Cook some himself and he started to say, and he says, Mitt there's wrong with you now, he says when I think of you, what a dirty bastard you are, I'm sorry you are not dead and buried with your mother and fathers. Now, I am sorry that law was written thirty-five years ago, because somebody might have gone to 'jail' then.

Mr. President, there is no point in talking anymore but I think you've listened to enough lectures and enough preaching over this bill and so I wind up by saying, I believe it's a good bill. I haven't gone it word for word verbatim, but I've sketched through it and I don't see anything wrong with it. I don't know that I quite approve of it, and I'm going to vote for it.

HON. C. S. WALCOTT: Mr. President and Honourable Members, I sympathise whole heartedly with the Members of this House on the other side - who have criticised this Bill, and particularly the Members from Bodden Town, because were I not a person with legal training I perhaps would myself be very suspicious of, and critical of the bill. People who do not understand certain things tend to be frightened of it, they tend to avoid it and to put it aside instead of rising to grips with it.

Now, I do not intend Mr. President and Members at this stage of the day to go into the various sections which were referred to by the first Member for Bodden Town, but I will comment on two misstatements made due to his lack of legal knowledge, and to try to reassure the Members that there is really nothing wrong with this bill. But, first a few general observations. It is important to remember Mr. President and honourable Members that this Bill, "The Penal Code" is directly linked to the Criminal Procedure Code Law which has already passed through the committee stage of the House. The Penal Code is a necessary adjunct to the Criminal Procedure Code Law, because the Criminal Procedure Code Law is its schedule it covers every section of the Penal Code, and sets out there in the mode of trial for each of those offences and also the arrest procedures. So, if the Penal Code is not to be considered, if it is to be rejected then of course the same thing applies to the Criminal Procedure Code Law, which this House in committee has already accepted.

The second general observation I would like to make is that we have been told about the Common Law being excluded, and that the Common Law will have no further application because of this Code, and my comment on that is this, that as I mentioned in my moving this second reading of the bill, the bill does codify certain principles of the Common Law. In other words those principles which are codified in this bill now become statutory but anybody with legal training and reading those Common Law provisions will readily appreciate that those Common Law principles and provisions have been somewhat altered in the bill in accordance with the Common Law of England prior up-lifts to the Cayman Islands and which have been settled over the years by the decision of the Court, but the bill does not pretend to incorporate every provision of the Common Law and this position is provided for in the very section of the bill which states that nothing in this law shall affect (a) the liability, trial or punishment of a person for an offence against the Common Law or any other law in force in the Islands. Now, that means Mr. President and Members that any principle of Common Law or any Common Law offence which has not been provided in this bill, will be available and a person who breaks Common Law offences which are not contained in the bill will still be liable to trial and punishment for such offences.

The third general observation that I should like to make is that a great deal of emphasis was placed on the question of punishment. And several offences set out in the Code provide that the person guilty of the offence shall be liable to imprisonment for so many years or for life. Well, I think the First Member for Bodden Town was fearful of walking out of this House because he might have been imprisoned for life the moment he got outside, but when a law says that the person shall be liable to imprisonment for so many years or for life, it doesn't mean that if that person is convicted of the offence that imprisonment for life necessarily follows. The person is open to the imprisonment, but that imprisonment can

HON. G. S. [illegible]: Range from a day, in fact until the Court gives right through the years, right through to life, and not only that Mr. Speaker and Members, but if Members will refer to Clause 23 of the Bill it will be seen that even in cases where a person is liable to imprisonment for life the Court can impose a fine; and I'll just read the Section 23 (1) A person liable to imprisonment for life or any other person may be sentenced to a shorter term (2) Subject to any provision of any other Law, a person liable to imprisonment may be sentenced to pay a fine in addition to, or instead of imprisonment. So Mr. President and Members it would seem that the fears stated on the other side, the fears which the Members from Soddie seem think exist in this law are really illusory and non-existent.

Now dealing with the question of murder a lot was made of the definition of murder in the Bill by the Members for Soddie Town, and here again Mr. President and Members this Bill defines murder in accordance with the present definition of murder at Common Law, and it contains a precise definition that any Judge who was trying a case of murder would direct the Jury in almost, if not the exact words. Now murder is defined in Section 168 as being "whoever of malice aforethought expressed or implied causes the death of another person by an unlawful act or omission. that person is guilty of murder", and that is the present definition of murder at Common Law, but that Section must be read in conjunction with Section 171 which says that malice aforethought is, which may be expressed or implied and the explanation, malice should be deemed to be established by evidence proving either of the following circumstances (a) an intention to cause the death of or grievous harm to another person whether such person is actually killed or not; (b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person whether or not such person is the person actually killed, and although such knowledge is accompanied by indifference whether death or grievous harm is caused or not, or by a wish that it may not be caused.

Now when a Judge is directing a Jury Mr. President and Honourable Members, those are the words that he will have to the Jury for them to make up their minds whether or not there was malice either expressed or implied, and another section which must be looked at in conjunction with those is Section 177, which also sets out the provision of the Common Law namely, a person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death, so those three Sections Mr. President and Members sets out the present Common Law provision as to murder, and it is rather disturbing Mr. President, and to me amazing when people who have no knowledge of law or smattering of it, try to criticise a Bill, a Bill that has been prepared not out of the blue, a Bill which has been taken from the Malawi Penal Code which in turn was taken from the Indian Penal Code which has been in existence for over fifty or sixty years at a time when India was not an independent state, and the Indian Penal Code Mr. President and Members is regarded by jurists all over the world as being one of the best Penal Codes in the world. And what is more only last week I received a communication from the Attorney General's office in Canada asking me if I would please let him have a copy of our Penal Code. So it is as I've said it is amazing if not pathetic to hear people without legal knowledge criticising a document of this nature.

Now just one or two more corrections Mr. President and Members of matters raised by the First Member for Soddie Town. He criticised the question of intoxication in Section 11 (4) having regard to intoxication. But there again Mr. President Section 11(4) sets out the defence of a person who has committed a crime, charged a crime of murder intended to deal with when that person is in a state of intoxication, and the Member was critical of the fact that it would be very easy for anybody to say, sir I didn't intend to kill him and so - because I was drunk.

HON. U. B. MADDINGTON (contd.): but if the section is drafted with a little care it will be seen that although - in Subsection (2) intoxication shall be a defence to a criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such omission was wrong or did not know what he was doing and (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person, that is - or somebody made him drunk or if the person charged was by reason of ... intoxication insane, temporarily or otherwise, at the time of such act or omission,

It is not easy for a person who by reason of self-induced intoxication or commits an offence and then say to the Court I am sorry about it, I was drunk at the time and didn't know or even a great deal further than that. As many people who have endeavoured to make use of that defence have found to their regret.

Another criticism made by the First Member for Saddle Town is the word "insanity" in Section 36 which is the irremovable section. Well that section was taken from our present Crimes Law Chapter 172 which was in turn taken from the Criminal Code of the United Kingdom and the decisions of the Courts ... expounding definition of that word now all there in the records for many years, and there is no difficulty at all for lawyers and for judges to know what imagining means when it comes to a question of insanity.

The Member for Saddle Town said that he could find no general penalty in the law, that there were cases where a person said to have committed an offence, but what happens there is no personal penalty, well if the Member has taken the time to read this Bill carefully, and here I cannot help but wonder, [illegible] he seems to be maintaining that he had only been registered for 24 ..., but he has admitted that he has had it in his possession from March. If he had read Section 32 of the Bill he would have seen that "Where in this Law no punishment is specially provided for any offence it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both".

Mr. President I could go on and on, I could answer every one of the criticisms raised by the Member for Saddle Town, but I'll just confine myself with endeavouring to apply a lesson in his legal knowledge by the reference that he made to an animal capable of being mere one, well an animal capable of being stolen is one that is domesticated, a domestic animal not a wild animal. We have a lot of rabbits today, I think they are called marsupials, I don't know if we have any other wild animals but it is recognized in law that a wild animal is not capable of being stolen, and so this phrase was used.

There is nothing more that I need say Mr. President and Members, this Bill as I said is a good Bill, admittedly it contains some new provisions, in connection with new provisions which were taken from ... the Malaysian and the Indian Penal Code but that is a matter which Members will have to consider in Committee, and if they don't like a new provision then of course strike it out, but don't throw the whole Bill out of the window because of that, and I would sincerely urge Members ... some Members said what was wrong with the old law, nothing was wrong with them, its only that they were worked in various sections, they were couched in language which was archaic and ancient and all this Bill has seemed to do is to codify them into one law, to provide them as being their appropriate, but if you will do it will be seen that every relevant provision of those laws which have been especially ... has been restated in this Bill, and at this stage Mr. President I would formally move that this Bill receive a Second Reading.

QUESTION PUT: BILL READ A SECOND TIME

ADJOURNMENT

HON. J. V. RAWLINS: Mr. President and Honourable Members I would like to move that the House stand adjourned until 10 o'clock tomorrow morning

HON. G. M. WRIGHTSON: I beg to second that motion.

MR. PRESIDENT: I shall put the question, but before doing so I would like on behalf of the House to wish the Clerk, who proceeds on leave to United Kingdom tomorrow, a very happy holiday after a great deal of hard work on behalf of all of us.

QUESTION PUT: AGREED.

HOUSE ADJOURNED AT 5:45 PM UNTIL 10 AM
ON FRIDAY, 27TH JUNE, 1975.

FRIDAY, 27TH JUNE, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS ROSSELL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

COL. D. V. MARTLAND, CBE, JP	FIRST OFFICIAL MEMBER
HON. P. E. WASHINGTON, ERD, QC	SECOND OFFICIAL MEMBER
HON. V. G. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON. A. B. BABB, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, SISTER ISLANDS (MEMBER FOR INTER-ISLAND CO-ORDINATION AND INFORMATION)
HON. D. O. EDWARDS	FIRST ELECTORAL DISTRICT, WEST END (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, WORKS, AGRICULTURE AND SCIENCE)

ELECTED MEMBERS

MR. T. W. FARRINGTON, OBE, JP	FIRST ELECTORAL DISTRICT, WEST END
MR. JOHN JEFFERSON	FIRST ELECTORAL DISTRICT, WEST END
MISS AMELIA H. RUTLEDGE	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
CAPT. R. A. RUTT	THIRD ELECTORAL DISTRICT, LESSER ISLANDS
MR. JAMES RUTLEDGE	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. C. CRAIG RUTLEDGE	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. TRUSCOTT EDWARDS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY

FRIDAY, THE 30TH JUNE,

1. CONFIRMATION OF MINUTES OF MEETING HELD ON 18TH, 19TH, 20TH, 21ST, 24TH, 25TH, AND 26TH MARCH, 1975 AND 1ST MAY, 1975

2. GOVERNMENT BUSINESS:

BILLS: SECOND READING

(i) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

(ii) THE HEALTH PRACTITIONERS (AMENDMENT) BILL

COMMITTEE STAGE

(i) THE MEDICAL REGULATION (LOAN) BILL

(ii) THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

(iii) THE PUBLIC HEALTH AMENDMENT BILL, 1975

(iv) THE DENTAL PRACTITIONERS (AMENDMENT) BILL, 1975

(v) THE PENAL CODE (AMENDMENT NO. 2) BILL

(vi) THE RADIO BILL

THIRD READING

(i) THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

(ii) THE DENTAL PRACTITIONERS (AMENDMENT) BILL

(iii) THE EIGHTH PARLIAMENT (LOAN) BILL

(iv) THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975

(v) THE RADIO BILL

MOTIONS: 1. FOR THE EXERCISE OF THE GOVERNMENT'S RIGHT TO SUBSCRIBE FOR SHARES IN THE CAPITAL STOCK OF THE CARIBBEAN DEVELOPMENT BANK.
MOVED BY HON. FINANCIAL SECRETARY SECONDED BY HON. D. V. MATTHEW.

2. FOR THE POSTPONEMENT OF THE DATE FOR THE PRESENTATION OF THE THIRD DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY.
MOVED BY HON. FINANCIAL SECRETARY SECONDED BY HON. D. V. MATTHEW.

FRIDAY, 27th JUNE, 1975

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FRIDAY

27th JUNE, 1975

10 A.M.

MR. PRESIDENT: Prayers be read.

Proceedings are resumed. The first item on today's order of the day is Confirmation of the Minutes, and I've ascertained from the Clerk that corrections which the Honourable John Sullerton, and the Honourable Capt. Dodd wished to be made, may be made in the records.

HON. G. C. WOODRUFFE: Mr. President, there are three slight corrections I would ask to be made too, may be they could be done now. They're very simple. On the 19th of March, meaning of the 19th of March on page seven, the second line of my speech, the word "written" should be "predetermined". On page twenty-four the fourth line from the end of my speech, the word "that" should be "reading", and on page thirty-one the seventh line from the bottom of the page the word "not" should be inserted between the words "has" and "got".

MR. PRESIDENT: Any objections to those alterations being made.

QUESTION PUT: AGREED. MINUTES CONFIRMED.

MR. PRESIDENT: We will pass now to Government business - Bills Second Reading - Public Health Amendment Bill.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975

CLERK: THE PUBLIC HEALTH (AMENDMENT) BILL SECOND READING.

HON. B. O. EVANS: Mr. President, I beg to move Sir, the second Reading of a Bill entitled the Public Health (Amendment) Law 1975. The Memorandum of Objects and Reasons of the Bill are simple and short Mr. President,

Upon reflection it is considered that Section 17 of the Law needs to be tidied, and it is sought by an amendment there to restrict the operations to a limited class of offences. Mr. President, this is a simple amendment and should take only a few minutes of the time of this House, but as Members are aware from statements that have been made and references that have been made to this pending Amendment throughout this Session, it is obvious that this Bill will be given full treatment and that we will probably put a lecture which we told you now. So before the time of this House is taken up unnecessarily on this exercise. I would crave the indulgence of Members to say that this proposed amendment seeks to achieve what in the final analysis was the desire of most Members of this House, when the Public Health Law, 1974 was being considered in October last year.

If Members refer to the Minutes it will be found that Section 17 of the Law was objected to in particular by the two Members from Sliema Town in its entirety at the beginning of the debate. And it will also be noted that apart from my contribution in the second reading I refrained from entering the debate for sometime, but that when I did I made the submission that in my opinion Members were reading more into the Section than was really intended, and that in my opinion it related only to specific offences and that in a law of this nature it was necessary to have it for certain offences. It will also be noted that from this point onward Members, generally including the two Members who have been referring to this amendment throughout this Session agreed that if Section 17 could be limited to specific offences they would go along with it. However, the Hon. Acting Second Official Member was strong that the Section as worded was essential to the smooth operation of the Law, and as a result no compromise on the wording of the Section was forthcoming at that time.

The amendment before us today seeks to achieve, what as I said before, was obviously the opinion, and or desire of most Members of the House when the 1974 Law was finally passed, that is to make Section 7 applicable to specific and peculiar offences, and as such I think the amendment deserves the unreserved support of Members.

It is not an unusual Clause to be found in Bills, a similar clause is in our Criminology Law, our Liquor Licensing Law, I think it is also to be found in our Customs Law, and it appears in this limited form in our Radio Bill, which is before the House at this Session. As I said, we in the debate in Committee stated certain instances in which this Section would be desirable, and now the amendment seeks to narrow it down to the range of offences to which it would be applicable, and I therefore Mr. President, formally move the second reading of this Bill, and commend it to the favourable consideration of Members.

SPOKEN BY HON. D. V. MYLES.

QUESTION PROPOSED.

MR. C. ELLIS BONNICI: Mr. President, the amendment before the House has my full support, if I had had my way this amendment would have been made in October last year.

When the Member introducing this Bill said that it was the desire of most Members of this House to have the Bill written in this fashion, it is simply not so. If one looks at the vote that was taken on page 81 of the minutes of October 17th, 1974 one will see that the entire Executive Council, together with the Second Member from Gozo Town, and the Second Member from West Gozo voted for Clause 17 to stand as it was written, as it was not the desire of the majority of this House to have this Clause written in any other way. Six Members probably felt that the Clause should be written as the amendment will now make it. So that is simply not so. And I can't agree that the amendment to this Clause should take a short time, because if now assuming the minutes of that day in October, one will find that sixteen pages covered the debate on this particular Clause - sixteen pages of minutes were needed to record the debate on Clause 17 of this Bill alone.

My objection to Clause 17 was that it casted its net too wide, the same thing that is mentioned in the Memorandum to this Bill, and while we had a notice before the House for the complete deletion of Clause 17, we also conditionally to accept an amendment which would limit Clause 17, and that is found on page 40 of the minutes, in the first paragraph at the end it says "this section must either be deleted or amended in such a way that it doesn't cover every possible offence under the Public Health Law", so what we were trying for, and what we said so many

MR. G. MALCOLM MACKAY (Fermanagh): Indeed on that day for is the same thing that Government is bringing forward upon reflection. No one can convince me that this amendment is brought today just upon reflection, it could not be done that day when there were a multitude of words that would have convinced anybody else that this section was wrong, and I do not agree with the Memorandum to the amendment, which says that this is brought simply upon reflection. It is my opinion that this is brought because the section was contrary to British justice, and it is brought because pressure was put from on high privately from the Queensgate Office to withdraw the amendment of this section.

In October last year we contended that this section was against British justice, because it was putting the onus on the accused to prove his innocence, while in normal practice, the prosecution must prove the guilt, that was my contention then, in fact if one examines the minutes, one will find that I said something about it being in accordance with the Napoleonic code, rather than with British Commonlaw. It was specifically pointed out that we would have accepted clause 1 if it had limited the proving of non-compliance to one or two specific cases, but what clause 1 was trying to do was to put the burden of responsibility for non-compliance upon every offender under this Law. In fact it reads "where any act or thing is by this Law or the Regulations prohibited or prescribed, the duty of proving that such prohibition or prescription is complied with rests upon the person to whom the prohibition or prescription relates, whether owner, occupier, licensee or other person, and in any prosecution under this Law or the Regulations the burden of proving that such prohibition or prescription was complied with rests upon such person", the amendment which we are making now will recall that it will not rest on everybody; it will only rest upon those whom it can be proven there is evidence of compliance would have been peculiarly within the knowledge of such person, so I hope this amendment will now limit the burden of compliance to those people who we've been special knowledge, and this was what certain Members of this House wanted, but it was not the majority, it was the usual minority - those that are sympathised with by the Legal Department as having no knowledge of the Law - yesterday we were ultimate scrupulous, because we did not understand the Penal Code, because we did not have the requisite knowledge.

Today I am glad to be in the position to reciprocate with the same sympathies, and to say that this section of the Law was not understood by certain Members in October, but knowledge is not the only thing that is needed - I agree that you need all the knowledge, but when you have the knowledge you still only have five per cent of what you need, the other ninety-five per cent is not knowledge of the Law or knowledge of the product, its knowledge of people and knowledge of the situation, and the desire to do what is right, and the desire and the ability to know the differences between good and evil, so that when you have the knowledge you still do not have all you need - you need much more than that.

I welcome this amendment, this might be unbelievable, but this was one of the things that was dear to my heart to come up after 1969 for enlightenment if there is a change in the composition of this House, whether I am here or not will not matter, I would pass it on to somebody else who would have the nerve and the guts to stand up for what is right, despite the legal advice of it. Mr. President, I would not ask your permission to read for seventeen pages at three minutes, I think the story is clear and I am not the for rubbing it in, but to show you what goes on in this house I will just mention one thing; when this debate was going hot and heavy and when we were aware - by our superior knowledge to over throw the majority a certain Member, the Second Member from West Bay got up and asked that the debate be closed, you did not comply with that Mr. President, and a few minutes later he got up:

MR. G. TATE MANNY [cont'd]. With a second motion moving that you close the debate on this vital clause, and you with your authority in the chair did what you had to do, you had to listen to the motion and you allowed some five or four other speakers to protect the interest of the minority, and you closed the debate. So it can't be said that Members wanted this, it can't be said that this was the feeling of Members, and I need not call their names, because their names will be enshrined in the minutes of this House, because we dealt at that time, despite our lack of knowledge, despite the fact that the Member piloting the Bill told us that he did not only have the advice of the one who was acting for the Second Official Member who was absent, but there had been another legal advice on it, that is in the minutes I could read it but I don't want to take up the time of the House. We had one other Member who said that he didn't see how section 17 could be improved - they see it now.

Well, I know the sovereign of Executive Council - what I am wondering today if the other Elected Members are going to vote along with Executive Council, I am going to vote with them because - wanted this amendment. Mr. President, I could go on for many hours, in fact I had decided to take a whole day for this, but I will not do it because I would like to see the business of the House finish today, and after all we are getting what we want, we're getting what we should have had, and I must say we would have gotten this in October if Members would have listened to reason. It was plain as the nose on my face that this was wrong, how can you have the multitude of regulations that will be made under the Public Health Law, and expect every Member of the public to know about these regulations, and go to court and prove that he is innocent: that is asking too much. This section I feel was unconstitutional - Government had no right to sue [illegible] such a broad net as they term it to call it now in the Memorandum - they [illegible] for doing it, and when it was pointed out they could/should have met and taken the necessary amendments.

I have been wrong many times in this House - I've never been ashamed to admit it, why should one be ashamed to say that we were wrong, that amendment could have been made that day without putting Government to the expense of bringing it back here today - this, in this instance the tax payers money is being spent twice unnecessarily, and it is the fault of Executive Council, it is the fault of the Legal Department, it is the fault of the drafters of this Law, because this was pointed out clearly in October last year, and it did not need any deep reflection to know that it was wrong, so Mr. President, I am willing to vote for this amendment, I am only sorry that I wasn't able to have this amendment in October, eight months ago. Thank you.

MISS JEANNE M. ROBINS: Mr. President and Members of this House, although as I was reproved yesterday as only having one [illegible] of the Law I pride myself quite that I have some common sense.

I feel Sir, that when any such Bill comes before this House we who are called the opposition should not be pushed down like we are being, I feel Sir that we must work together in harmony, one thing we can say about the old Executive of this House was this: each person came in here had some particular axe they wanted to grind for themselves, but when it came on an issue that affected the public they stood firmly together, and I feel Mr. President we have too much division in this House, and I feel that when we [illegible] I don't call myself any opposition[illegible], I call myself one who tries to unite this House[illegible], but I feel since we have that term applied to us that when we make any little recommendations, suggestions that we should not be rewarded-even [illegible] we have been, Mr. President I feel that had the legal brain, and the brain of this House been a little more understanding this thing need not have come before the

MISS MARIE H. BOLDEN (CONTD): Coast today. We know the scripture says "pride goeth before destruction, and a haughty spirit before a fall", and I feel in most instances its price that caution and discretion in this House, some believe that can do no wrong - 'am right & we're not all right - to err is human, and we're all human. Now Mr. President, I support this amendment and would implore that in future we all listen to reason whether it come from the Bodden Town Members or the George Town Members, or the East End Constituency who ever it might be, that we try to work together in better harmony than we have been doing.

I am not sure Mr. President, that I shall be in the 1976 election and appear here as a Member for George Town, but I can guarantee this Sir that I am going to work to put a Barrister at Law on our side so that we can have some common sense that we know something of the Law, and not scatterings of it.

I thank you Sir.

MR. JAMES BODDEN: Mr. President and Fellow Members. I was hoping that I would have the privilege of hearing a few more of the Members speak before I add my contribution to this.

I will begin my contribution Mr. President, by quoting to this Honourable House one of our Constituents who said that "Heaven is the limit, the sky spread before her and wide", apparently that is what happens so many times in this House. I am sorry that I had to leave a little early yesterday evening, because I may have had to request your permission to allow me to get to my feet on several occasions.

Mr. President I have never put myself up as any genius. I've never put myself up as an educated person, but I do pride myself as having some common sense, and the ability and patience and time attached to it to keep me on hand to where I would speak out when ever I think it is necessary to speak. Every one will make mistakes - there is only one Human being who ever trod this earth. But probably was blameless, and I would not attempt to take his halo from him. There are three things in life usually, that a man gets honors for - having a lot of education - having the ability to know an honest knee, or another phrase that is commonly associated with it, or Bravery. I am sure that the two Bodden Town Members will never get honoured for the first two, and I doubt as will ever get it for the last. I look on this House Mr. President, as the Government of this country, but repeatedly as we are told that this side of the House has nothing to do with Government we're only here to rubber stamp what is done - this seems to be the prevailing words in this Assembly. I have said in the past, and will probably continue to say it in the future that it is true - we have to take the position of being rubber stamps. I do not believe that we should be passive with it.

I have never been lucky enough in life to get a degree and I doubt if the other honours in life will come to me other than what I have already gotten, whatever they may be. I have not been lucky enough to be honoured for the ability to hand on my chest.

Before I am through today with my remarks, Mr. President, and I crave your indulgence, I intend to take the halos from around the heads of some of these people on the other side of this House.....

MR. PRESIDENT: I must remind the Honourable Member we are talking about the general merits and principles of this Bill.

MR. JAMES FITZPATRICK: Quite correct, Mr.President, and I will point to that with your permission into the command of this House which I will be asking your permission to read in a few minutes.

And indeed bloody well, Mr.President, I am not taking the remarks I have made now one bit out of order, Sir.

It is my opinion, Mr.President, that when the Constitutional Experts put together the Constitution under which this House operates that the Common & Local mind was put on the other side of this House was not just to give Government power of another vote, or enough votes to out-vote anything that comes into the House - it is my opinion that that was put there for the benefit of this entire House, to help, assist and lead, where necessary the other poor benighted Members who may not have the legal knowledge that they should have. But, Mr.President, even the biggest fools in this world can sometimes say one-thing that is correct, and that is what I am hoping that one day we will see is to where anyone needs a little help in brushing up his smattering of law that he can get the assistance which should be given to this House impartially.

The Government Bench has been quite ready in the past to point out that the opposition, as they call it, and so do I think I like to be called that, would not accept advice, but, Mr.President, it seems to me I see it continually on the other side that for opposition's sake they will never accept anything that comes from this side of the House, regardless of how right it may be.

An old philosopher once said that 'the most of the wise might least' and I think that some of the members should try to bear that in mind. It has been said, Mr. President, that if Jesus Christ were to come today people would not crucify Him, they would invite Him to dinner and hear what he had to say and then make fun of it. And that is the policy of this House, Mr.President, and I do not think that I have erred in asking this consideration, because it all ties in with the particular section of the Act that is before us today for amendment. If it takes all day, Mr. President, I intend before I sit down, literally say, blow Gabriel's horn on this matter.

The last sitting of this House, Mr. President, we had Members of this House who were admitted to come from the Backards of this House because they were irrelevant to what we were dealing with . With your permission, I am going this morning to crave your indulgence to allow me not to do the same thing as they did but your permission to quote and to read from the Hansards, which are supposed to be the exact recordings of what has been said in this House. Can I have your permission, Sir?

MR.PRESIDENT: If it is in regard to the principles of the Bill.

MR.JAMES SCOBIE: Quite relevant, Mr.President. Section 17 is all through the Bill.

Page 9 of the Hansards of the 17th of October. In speaking on this Bill , Mr.President, page 9, I spoke against the motion, regarding it as obsolete legislation. At page 9 I said that we must make legislation that will probably be on the statute books for the next 25 to 50 years and none of us can gaze into a crystal ball for the future and know who will succeed to into this House and who that person will be and contemplate these - and that we make today. So that the laws that we make must be flexible to accord up to public opinion

Mr. James Mackay (Hamilton): they must be able to stand the test of time and I submit to this Assembly, that this Bill, in its present form, could not stand up to time. We will find in many cases in the future, I think, that this Bill may be tampered with and be found wanting.

And I submit to this House today that it is not just exhilaration on the side of the Government Bench that has caused this particular law to come back before us so fast. Page 7, section 17, will again, I think, in certain respects, put the onus on the person who is being arrested and I do not feel that that is correct. I think that under our normal course of justice a man must be presumed to be innocent until the courts have found him guilty. The person at that time, Mr.President, who is occupying the position the second Official Member of this House on page 6, said - "Within these particular ones again I have referred the great difficulty in getting people down who only a few of this sort" and he goes on to state - "that's nitty gritty matter", so forth and so on and he says " both has to be put into it, strengthen it by sections of this sort", this applies to sections 13, 14 and 17 - I did not read his words exactly as he said them, but that was what he was trying to do, is to strengthen this Bill and to put a lot of teeth into it.

The honourable Second Official Member to Executive Council said " I suggest this Bill in its entirety and I can only ask members to look at the good of it and not just argue the argument's sake and I feel the Bill is amended and I feel that if the members who were debating against the principle of legislation were to look at it constructively they would realise themselves that not all of this disagreement" I don't know what that last word was, "are legitimate. I thank you, Sir".

Now, Mr.President, those are the exact recordings of the House and it tells exactly what each one has said that each one felt. I am going to take the time to do this, Mr. President, because as often happens we take the slightest mistake it is thrown back in our face, so I am not going to throw it back-to-front today, Mr.President, I am going to throw it one-fold. The word used is in this Hansard.

The Honourable Third Official Member (Mr. Attorney-General) to Executive Council, in reference to my colleagues here and myself on page 32 said - "I would like say that they have got a bit about themselves and don't like it". Mr President, I am sure we do get a bit, that side can dish out and they were the ones that fell into it. If they hadn't fallen into it so nicely they wouldn't be back in this House this morning trying to work an amendment to it. Have some grit at these pits. (MR. JOHN BERNARDEZ: Ha! Ha!)

Page 9 coming to you boy! (MEMBERS - LAUGHTER). I stated, Mr.President,"that we have tabled an amendment on section 17 and I feel that this one should not be withdrawn", but was after we had been very courteously before that and withdrawn quite a few of them and that this one should be given more attention. Because in our estimation it runs completely contrary to all justice that is prescribed under our laws of the present time. My colleague said - I would like to add that I can't see why the onus should be on the owner or occupier to prove his innocence. I would think it should be the other way around that the onus would be on the prosecution to prove the person's guilt. It does run contrary to the normal procedures in cases where people are brought before the Courts and I feel that we should either delete this or change it so that the onus would rest on the prosecution to prove the guilt rather than the onus on the offender to prove his innocence".

Section 17 - I take the extract that I declared that we had a section like this in any other law on the statute books. Further on in that debate, the Second Official Member I feel has now completed his work today, the one that was

Mr. Speaker, Member (inaudible) occupying it that day), in his discussion in this House said that it was quite right for us to have a section like this in the law because it had been adopted from the Associated States in the Caribbean and that is why we should follow it. My colleague and myself took strong objection to that in the sense that we should follow the Associated States of the Caribbean blindly in some statements that they may have made to their law.

Again, on that same page, the Member occupying the seat, the Honourable Second Official Member that time serving this House that there was no Code of British Law. My colleague replied to me: " I don't want to argue on semantics. I could probably dig up the proper phraseology for it, but I think the Members get the idea, we are here inserting something which does seem to be contrary to what we've known in the past, and probably customary to most other free countries have and the possible exception of the Caribbean Associated States, and I am positively against this, but 'murder' be told in the way that it is always done." And so forth and so on.

I could read on, Mr. President, page 16 I think it is, dealing with the same section my contribution or that and I will read, not my contribution, Mr.President, but the contribution by the Member who is today piloting the bill through the House, the Attorney General in the House. - "Mr.Chairman, I believe that we are reading a little bit more into this section, than is intended. It only relates to anything, that is, where any act or thing is by this law or the regulations prohibited, or prescribed, it cannot be related to a normal offence of stealing, or slander, or wounding, or anything of this sort. This is put into this public health law to make sure, as I pointed out, for example, in the case of, and I think this would also include to the case mentioned by the Second Official Member this morning, of the chewing tobacco, the one of the twelve that was not removed. It was when we got rid of this fuchsia disease, so regarded, as the experiment continued, that any persons having bought during the period when Reid, is carried into the authorities.

Now, this section I think seeks to discourage persons from a wrecking, in a few words. If it was stated that it was an offence to have an article or this nature. This section is put in to discourage people who know that they are actually conceal the presence of this article, from doing so, when in a case or two, it could actually cause a serious outbreak of a disease in the community.

I don't think that we should relate this to a person appearing in normal cases of an ordinary, or what have you, before the Court. And I speak subject to correction, but, I feel that similar provisions to this already appear in some of our laws. It's not a new section to me, I have seen it before."

My contribution follows on 30, page 18 as well as the contribution of my other colleagues from Bodden Town, but again on page 40 I wish to quote to this House the words spoken by the Honourable Third Elected Member to Executive Council on the day that he piloted the bill through the House. "Mr.Chairman, I am grateful for the explanatory point on which Members have found themselves. But I am still not satisfied that this section is as permissive as it is being said. And I am still not convinced that it is not a necessary precaution in a bill of this type. The more I think of it, I can see why it is here. And although, in any way, shall I say, casting any aspersions, or demeaning the ability of the Second Official Member , I can give the the House assurance, that this bill has been vetted by, and shall I say what is interpreted as several legal opinion on it, and no objection whatever was raised to this clause." So we had the assurance at least that we were just acquiring on this side the Government's side, because all of the Laws that would be published

Mr. Christian (continuing) had assured him, not only the Acting Attorney General, but other people that nothing was wrong with the bill.

The Honourable Fourth Elected Member (page 41) - "Mr.Chairman, I see this particular section, section 17, as just what the Member wanted, its for a special purpose because I am quite curious now always and direct our attention to section 8, which is the section giving the offence, there are criminal offences, there are offences where the prosecution must prove guilt, whether refuses to answer, don't false information, refuses or omits to do any act and you turn over here, assaults, resists, bribery, obstructs, violence, all of these. These are the offences which I think the Member who is seeking to have the responsibility on the other to prove this. Is so. And I think that in this law here, the section 17 is referring to specific cases, and just recently in a recent law that we have passed, I remember where the responsibility of proving guilty knowledge is not necessary in a certain instance.

I think this Section 17 here is for a specific purpose, the case where the Member said, and I dont see anything wrong with it at all. Because sure y if a person has been cited under any of these, under Section 8, that surely the Crown would have to prove'.....and he goes on in other words around then and all through this. Mr.President, from page 41 on to page 52 what it was finally ironed out,

the Honourable Second Official Member on that date stated, "this is a typical example of where the ordinary traditions of English Law have to be varied, because otherwise, certainly would become impossible, they'd always have the excuse, they weren't there, or this or that".....and without it we would be creating a wide loophole in the law, by which unscrupulous people would escape from it, over and over again".

We were absolutely unaware, all the way through that nothing was wrong with this. But, the Second Official Member occupying the seat on that date, on page 44 said that if it was any members to us, he didn't draft the bill. Later on, a few minutes later he said that some of it had come from the Caribbean Commonwealth Charter, some of it had also from Burma and other laws to be omitted, all sensible laws, that he had drafted the bill.

Now, Mr.President, I merely point these out to show the house the attitude that has been displayed in the past and I promised my good friend sitting in front of me that I had to come to him, so I am not leave him out. On page 46, the Second Elected Member from West Bay said " I think, Mr.Chairman, like it always seems like we read more into these sections, than there really is. I'm not objecting to this section, as far as I am concerned, I would hope that same would be taken, and let it stand in the law."

We can read on and on, more here to the number of objections we made and the replies that we got to them. Mr.President, I merely point this out to the House so that the House can get an idea that only these views would always be right and that we are not playing a game with them when we bring something to this Honour, but I also remind them that we are not prepared to play the part of following the former either, just because the leader is up front and that it is time that we think for ourselves it is time that we realize that what the reports are all wrong, and it is time that we wake up and refuse to follow blindly just because somebody else tells us that it is right for us to follow.

It has been proven many times in the past where once you follow just for the sake of following that it can lead you into a lot of trouble and I support the Amendment to this bill, however, Mr.President, it should have been there in the first instance. I thank you very much.

CAPT.A.A.AMIN: Mr.President and Honourable Members, I have no intention of wasting the time of this House on this single matter, and I have no intention either of sitting down here and letting these two Doctors speak in a derogatory manner about our ability to do things and to expound their own and to make us think they are lawyers.

Now I say this, and I say it without fear of contradiction that at the time I did not give it up but the case of the matter is that it is simply the clash of two personalities - two learned doctors, both of them my good friends and had I been here at the time the law came out, I am sure my good friend would have spoken to me too and he is the man who dug it up. That man is a studious scholar and although he is not a lawyer, the fact is anything that affects him he is pretty sharp on it and that is where these two lawyers over here got their information from.

Another thing too, that acted against me, it was the very time that the Minister was speaking and he spoke for so long that the drone of it put me to sleep (MEMBERS - LAUGHTER) and when he accused me of being asleep, my good friend the Second Member from Bokkos Area, I said in defence to myself that I am a good old sailor whose accustomed to the roar of the sea and the roar of the wind or any continuous noise pulls me to sleep. (MEMBERS - LAUGHTER).

Both these doctors are my good friends I have both of them in high esteem, but it is the clash of their personalities I suppose, to say that if they had been good friends this bill would never have come to this House. No objection would have been made, because there are other doctors in this country and several good ones too, practising privately who have never given it a thought but these two doctors, the one in question... ..

HON. MAJOR MORGAN: On a point of order, Mr.President, Sir, is it not relevant to the motion before us, it sounds like he is debating the other amendment.

MR.PRESIDENT: I think I have allowed two honourable Members from Bokkos Area a sufficient latitude to let the Honourable Member continue with his argument.

CAPT.A.AMIN: It is relevant to the case, as far as I am concerned because when they take other peoples knowledge and pick it to pieces and come here and expound and try to show us how like a little boy I am going to speak out.

I don't profess to be a lawyer - I don't profess to understand the intricacies of law or anything else and I have no intention of sitting down here and listening to this cross. This Bill reminds me very much of a school I went to in Jamaica when I was privileged to go to a Junior College for a matter of two year and two terms - There was one there practising or learning theology and every morning of his life he went down to the river and every evening after class he'd go down to the river and shout and preach to himself, to hear his echo coming back. (LAUGHTER), and there is how he learned to be a great speaker. I believe that some others did the same thing, in this House...

MR. JAMES BWANTY: With all due respect, Mr.President, I believe many have had that habit, Sir.

MR.PRESIDENT: The Honourable Member has spoken already, I am afraid.

MR. CLAUDE BILLS: Mr.President and Honourable Members, I rise to make my small contribution to this Bill. I also rise to support the Bill. I did not intend to say anything on this Bill very much has been said by previous members and I am sure that the wind has been taken out of the sails of many.

I would like to say that I, for one, am getting what I asked for in October last year and I would also like to say that even mistakes are made only exceptions on the poor tax payers apparently arises. And with that, Mr.President, I close thanking you very much.

HON.R.W.CROSSLEY: Mr.President, I had no intention of speaking on this particular enactment however as I think the Member leading the Bill, piloting the Bill said it was very simple and much has been said at this assessment and a lot has been said in lieu of what happened last October.

I believe the Honourable Member for Belden Town read part of the speech that was made by myself and I think it be read it correctly. If I understood what he said I didn't have it here, I think this is exactly what this particular Bill is trying to do, it is putting the onus on certain people of proving their innocence. I said then that this is not an unusual occurrence in our law and I am saying so today that it is not. When it is found that certain knowledge is in possession of a person then it is not unusual for the onus of the proof being on that particular person.

Now I remember the debate that took place last year in October quite well and there was, much has been made about coming back here and making amendments. Surely by this same token the same evil there is an opportunity then for amendment, I don't think there is any intention or belief of any member interrupting a Bill - that amendments cannot be made or may not be made and again much has been made of the mistake of the Legal Department at this drafting end of the agreement if the Government in accepting this. Surely this is a very day occurrence. In every law we have two different lawyers each has the same law and have different interpretations of it and as I shall contend that if the law as it was written, it would have been well defended in Court and well argued on both sides and I believe if an amendment had not been made, if we didn't take the amendment now, the argument would not be taken in the Court and I don't think any on this side or that side or the other side would be the people to decide who was right. I think it would be the Court to decide, which side was right..

Now I think that the confusion is only being created - I think the Government Members are only being wise. If a situation exists in any piece of legislation where there is the presence of an ambiguity then that ambiguity should be removed but to argue to say that what was enacted in the law was wrong, I must point up at this present moment that any number have in session in saying that. Because it has never, as far as I am concerned, been taken to a Court of law - there is no precedent on it and as far as I am concerned I think today that this is a common, it is a common occurrence in legislation where certain evidences or knowledge the onus or proof rests on the accused.

As I said in my speech in October and it we refer to the Sub - Health Law under section 9, section 2 of that law sets out in detail the offences in that Act - it sets out the offences that really require the Crown to prove the guilty knowledge or complicity of the person and it has a whole list of

MR.K.M.CUNNEEN (COMMISSIONER) there, it goes down from (a) or (b) and it gets out the block. But section 17 was assumed, and I could still argue and I think a lot of people would argue that section 17 still relates to this special case where that in itself was the area shifts, and the onus shifts on people who would have this particular knowledge.

Now what we being done today, the member, as I said considers that the bill or the law as it is written could cause and will cause certain arguments - it might even be that great expenditure on the part of people who have been brought before the Court under this particular law, and I think it is only wise before this happens that if there is an ambiguity that it should be cleared up. Now all this amendment is doing, you know, it is not doing all that the members said - because the members in October wanted all of the onus to be placed on the Crown, on the prosecution to prove - this amendment is not doing that - what it is doing that - this amendment is only solving this in the instances where persons do not have that particular knowledge and this is making it quite clear that if the evidence of compliance is particularly and particularly within the knowledge of such persons then he still has to prove. So in a case where that a person is brought before the Court, even with this amendment, the onus is not, in all cases, responsible for the proof.

As I see it, much has been said, Mr.President, I think it is a straight forward amendment and as I said, I think it is a wise thing to have this taken out and clarified so that there can be absolutely no misunderstanding if and when litigation is brought in this respect.

I support this amendment and I particularly, in dealing with legislation, would like to see as little ambiguities as possible and I am sure that the Legal Department and the Legal Draftsman in doing these drafting cannot be taken to task. We have had, Mr.President, in this very Chamber an instance where Draftsman not here but in the A.C. who did one of the most important pieces of legislation in respect of this territory and when this was tested it was found that there was an ambiguity and it was suggested then that the people were right. There are times when this can happen and I am sorry that no one is being disbelieved as no one was stubborn at the time it was considered that there should be some tests in the law - I think this is still the idea and dealing with such a law as this if it was left on all times for the Crown to prove the guilt of an individual, it probably would not have been worth the while of us passing this particular piece of legislation, and it showed up that this particular amendment is necessary and I think it is wise that we do it and this will avoid any ambiguity in the future and yet, as far as I am concerned, it contains merely the intention of the Legal Department and it remains exactly the intention of the Member who introduced the bill last October.

MR.SPEAKER (MAKING): Mr.President, I don't know, so much to drag along out on this amendment, the proposed amendment. No human beings knows who knows that are infallible, none of us any time since its impossible. If the most educated man or woman in this country today was driving down the road and the highway patrol stopped them and said "Sir, or Madam, you can't go across down here - a bomb or has happened" - they would take the word of the patrol and make a roundabout turn or turn off some where else.

The father of the First Honourable Patrick Hooker told a true story when he said to him " I never made a mistake in my life" - he said "you just made one when you made those remarks" and this is not the first time after the passing

MR.CRADDOCK ERSKINE ROCHESTER: ... law in this House that after a few months it was brought back for an amendment... As we usually say sometime before the ink dries we have to amend it. And it has been a known fact, Mr.President, that many of the heated debates on any amendment or on any section of a bill sometimes in the very end that has to come back after a short period of time for an amendment.

I support this amendment. As has been pointed out it was one of the controversial sections in the bill that created hours and hours of argument and finally it has been brought back and now being accepted, so undoubtedly it won't create any more such debate since it is going to be accepted and amended as proposed, but I would just like to clarify, Mr. President from the sitting of the 1st or May the remarks of one member as to how he feels about members in this House - this group or know-nothings. So it was the group of know-nothings that still is dealing with these things and have to come back and get our approval because the approval of the know-nothings has failed and had to come back for the approval of the know-nothings. Thank you, Mr.President.

MR. JOHN JEFFERSON: Mr.President, I rise to speak on the Public Health (Amendment)Law, 1975 and to say that I support the amendment. There has been enough said previously - I am not here today to throw mud, sling mud. I hope that somehow in this House we could recognise the fact that every member has a right to vote according to his conscience dictates and to vote the way he sees things. I owe no apology to anybody for that. I have been elected by my own constituency - they elected me and I am here because of that. I owe I owe my allegiance to the people primarily, as far as I am concerned, whenever I deal with legislation in this House - deal with it on the basis of what is best for the people of the Cayman Islands.

I am going to say this, Mr President, that I support this amendment.

MR.PRESIDENT: Does the Honourable Mover wish to reply?

HON. ARNOLD CRAMER: Mr.President in introducing this bill - said that it was a simple amendment and I was going to some pains to explain the procedure that took place in 1974 so as we could the House making a lot of time on this amendment, and I pointed out that this amendment to this bill seeks to achieve what, in the final analysis appears to have been the wish or desire of most of the members of the house in 1974.

Now the first Member to speak after me on this amendment, the Second Elected Member from Bodden Town said that this statement which I had made was not correct. Now Mr.President, I am by no type of politicking but I wish to make it unquestionably clear that statements made on June I repeat and I want to state that as far as I am concerned my integrity and accountability is beyond honesty and internationally, the only place that it is questioned I am not worried about where that questioning comes from.

A lot of effort was put into trying to prove that this amendment that is before us today is what was suggested by the two members from Bodden Town in October and I don't intend to get back to page 6 of this minutes - I intend to deal with the section that we are seeking to amend as it was debated in October when the Public Social Law, 1974 was being passed and that starts on page 36 and I intend to read for the benefit of those two members who attempts to prove that the

MR. [illegible] (COMMITTEE) statement I made in presenting this Bill be agreed. I have no objection at all to some short saying this amendment. Any law can amendments made to it from time to time and it correctly is in keeping with what my feeling was in 1971 and therefore I have to apology to make about it.

On Page 37 of the Minutes reading with section 17 when we came to that the First Member from Bodden Town said "Mr.Chairman, we have tabled an amendment on that page, and we feel that this one should not be withdrawn. And that this one where A is given some discretion. Because in our estimation, it runs completely contrary to all justice that's prescribed under our laws at the present time".

Now to show, Mr.President, that there was no intention , at that point, of an amendment, but to delete the clause completely by Dwana Bodden, the Second Mover said, "Mr.Chairman, I would like to add that, I can't see why the onus should be on the owner or the occupier, of the premises, to prove his innocence. I would think it should be the other way around, that the onus would be on the prosecution, to prove the person's guilt. It does run contrary to the normal procedure in case where people are brought before the court. And ....." Before further, Mr. President, I would ask Members to note that statement. Because that is why I made the reference I did when I will quote my speech further on..... ." and.....

MR.C.MIC BODDEN: Mr.President, on a point of order the Member should read correctly - I said that we should either delete this, OR CHANGE IT, so that the onus would be on the prosecution" - delete it or change it. I wish you would read it correctly.

MRS. BEARON [illegible]: You, Mr.President, I am going to continue to read - I have not come to this point. "And I feel that we should either delete this , or change it, so that the onus would be on the prosecution to prove the guilt, rather than the onus on the offender to prove his innocence". Now, Mr.President, as I pointed out in my opening remark, the debate continued for some time and my first contribution in committee on it is one when I said, and this is on page 38 - " Mr.Chairman, I believe that we are reading a little bit more into this section; than is intended. It only relates to anything, that is, where any act or thing is by this Law or the regulations prohibited, or prescribed. It cannot be related to a normal offence of stealing, or assault or wounding, or anything of this sort. This is not like this public health law, to show them, as I pointed out, for example, in the case of, and I think this would also relate to the case mentioned by the Second official Member this morning, of the drawing gloves, the one of the twelve that was not accounted. It was when we got kind of into a serious discussion, we suggested or the department suggested took any persons having sharp arms, or guns, that were brought in from Spain, be turned into the authorities.

Now, this section I think seeks to discourage persons from disobeying. In other words, if it was stated that it was an offence, to have an article of this nature. This section is put in to discourage people who know that they could actually commit the possession of this article, from doing so, when in a year or two, it could actually cause a serious outbreak of a disease in the community.

I don't think that we should relate this to a person appearing in normal cases of mal-practice, or what have you before the court. And I again subject to correction, but, I feel that similar provisions to this already appear in some of our laws. It is not a new section to me, I have seen it before. In prosecuting the amendment I cannot have in which it can be found.

HON. PATRICK O'BRIEN (CONTINUED) And then, Mr.President, on page 19 we find where the conciliatory mood of members comes in. The Second Member from Dublin West says "If this section only referred to special cases, like the special case made out by the Member opening the Bill, he made out a special case of somebody concealing bombs drugs, or something like that. If this section only referred to special cases, I would say, we could leave it; but it covers any act or thing under the law of magistrates, and these offences are quite common." Now it went on about dead horses and what not, Mr.President, there is no proof that the statement which I made is in any way incorrect, because I was saying it was my interpretation that the law, that section of the law would apply in specific cases - it was not an omnibus clause and this amendment now makes it unmistakably clear that that interpretation is what we want.

As regards my assurance that the Bill had been seen by persons other than the Second Official Member this is correct. The three Health Bills, before they came on this House had been sent to Lenihan and so far as taking credit for the amendment, Mr.President, we find at the bottom of page 19 where the First Member from Dublin West says - "I stand here in complete opposition against this section, and at this point, I do not even know whether I could support an amendment, that would cover a specific point". So at that point the conciliatory mood which I referred to, was withdrawn and further on you find arguments going on between the members and the then Acting Second Official Member which proved the point that this clause should not be in the Bill.

I have no apologies, as I said, Mr.President, to make about the amendment and I am certainly not in here playing to the gallery. The amendment, as I said in the beginning is quite simple. It removes any ambiguity that might have existed in the section 17 and puts it beyond reasonable doubt that we are talking about specific cases, although they are not enumerated. We must remember that although I was piloting this Bill through the House we had the advice of the then Acting Legal Adviser and the Minister will agree that his advice was that the clause as it worked was adequate and I still maintain that section 17 is an important part in a Public Health Bill - it is necessary and this amendment does not seek to delete section 17 - it does not seek to short the onus of proof in the specific cases such as I enumerated in October last year. I could go on and quote other examples which I gave: I gave examples of persons who had been to places and knew that they had contact with contagious diseases and this was a knowledge that would be peculiarly known to them and because of that section 17 was necessary. The amendment now makes it, as I said, abundantly clear that we are restricting this section to sections where the evidence of compliance is peculiarly within the knowledge of such persons, and it doesn't shift the guilt but it restricts the instances in which it could be used, and I think that if members are honest about this, this is what the Minister meant that Members of the House accepted in the final analysis. The amendment that was proposed in October that started the debate on this clause was to delete it completely - was to do away - the amendment was to delete it - that was the amendment which we were debating and to prove it, on page 26 the Second Member from Dublin West, speaking, Mr.President says "and section 17 should be retained in its entirety, and the matter of the First Member is that the [illegible] First Member for Dublin West who tabled the amendment) - "is that the Committee do agree in its entirety, section 17." So let us not make any .....

MR. JAMES MURRAY (INTERRUPTING)..... On a point of order, Mr. President, a legitimate point of order.....

MR.PRESIDENT: May I have it, please?

MR. JAMES MURRAY: The Member is dealing here with Subsection 17 in its entirety, it is time we did that.....

MR.SPEAKER: I can't accept arguments - what is the point of order?

MR. JAMES MURRAY: The point is clear, Sir, that if we are going to send the Hansards and try to draw a wrong conclusion from it, when the member should not have misquoted where he did and should have read....."Of course, I would be willing to go along with an amendment that would limit Section 17 to specific offences of non-compliance."That's the point of order.

HON.MORGAN O'BRIEN: Mr.President, I don't see why I am prejudiced to read that section - I already said that the Members in the final analysis were willing to accept and amendment, and I said it on the prosecution of the Bill....

MR. CHARLES MORGAN: Mr.President, on a point of order the Member is responsible for the accuracy of his statements.

MR.PRESIDENT: The Honourable Member may quote from the Hansard when he wishes to develop his argument in the same way as the two Honourable Members on the other side of the House. As long as the quotation is correct he may choose what information he wishes to make his argument.

MR. JAMES MURRAY: In that case, Mr.President, then he should have quoted from page 39 also as I put it that we were willing to accept the corrections.

MR. WILBERT FRANKS: Mr.President, the point I am making at this juncture is that the amendment that was proposed by the First Member for Western Town was to delete the section in its entirety. I have not, at any point, disputed that during the course of debate they came along to the view that if it was as I was putting forward, relating to specific instances only, that they would be willing to go along with it. I have never denied that. But I am saying that they are trying to say they erred by omission in their argument on the second reading of this Bill that they offered an amendment along these lines, and it was not until it was pointed out that it was interpreted to apply to specific offences that this error of omission came to ang.

MR. JAMES BOUDEN: On a point of order, that is completely incorrect, Mr.President. Page 41 of the Hansard will reveal that.

HON. MORGAN O'BRIEN: I don't know whose page to rely on, Mr.President. What would be best would be if we would go to work and push up your proposed amendment.

MR.PRESIDENT: This is the reply on the debate on the second reading of the Bill and the Honourable Member must be allowed to continue his reply.

MR. JAMES BOUDEN: I am only asking that an honest account be examined by the Standing Orders of this House.

HON. SENATOR O'BRIEN: Mr.President, I am nearing the conclusion of my presentation, and as I said in the beginning, I am not encouraged to follow deliberately inaccurate.

You remember, Mr.President, as I said, before the final vote on the House in October - it is a desirable amendment to remove ambiguity and this is why it is brought. If an amendment like this had been offered in October I am sure that it probably would have been accepted at that point. But we had strong arguments from the then Acting Legal Draftsman or the then Legal Officer that the amendment was correct. Before sitting down, Mr.President, I must refer to a remark made by the Member from North Bluff when he commenced Government Bench at referring to the Kalawao Hospitals as a group of Non-Starters in the meeting on the 1st of May, 1975. And I would just ask the Member to read that reference again and he will see that I said that this group of Non-Starters may be termed - I am saying that that is the way they refer to us.

Mr.President, there is a rule of Quorum before this House and I think we have wasted a lot of time this morning and I therefore move this Bill - I formally move this Bill for its Second Reading.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975

CLERK: THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975

MOVED BY HON. SENATOR O'BRIEN:

HON. SENATOR O'BRIEN: The Memorandum of Objects and Reasons for this Bill is that it is considered that where a Health Practitioner is aggrieved by a decision of the Board made against him under section 11 he should have recourse to the Grand Court rather than to the Governor in Council since the Board will have been acting in a judicial capacity and it is sought to amend the law in order to provide for this.

Mr.President and Members, if reference is made to the Health Practitioners' Law, 1974, sections 10 and 11 it will be seen that the Board when conducting disciplinary proceedings has the same power to summons witnesses, administer oaths, take evidence and punish for contempt of its proceedings as has a Magistrate in a Summary Court. It will also be seen that the Board and the various Health Practitioners have recourse to legal representative, and further, that under section 11 if found guilty of the allegation made against the accused one of the punishments which the Board may take is to permanently strike the name from the Register of Practitioners. In these circumstances, it would be reasonable to assume that the Board is acting, in this particular instance, in a judicial capacity and not in an administrative capacity as is the case when acting under section 7 of the Law which is the section dealing with registrations. It would therefore seem just and desirable that an appeal in this case should lie to the Grand Court, that is, for actions taken under section 11 of the Law, instead of limiting the appeal to the Governor in Council, and this Amendment, which is another simple amendment, seeks to achieve this objective.

Mr.President, that would normally be my presentation on this Bill, but you have heard me rant on the last amendment that I am going to again try to cover some of the ground that might be introduced in this debate, because I am also going to again use "I told you so" and the rest of it.

SEN. SENIOR OFFICERS (CONTINUED): Now it is true, Mr.President, that when this bill, the Health Practitioners' Bill , 1974 was in its Second Reading, the Senior Member for Bodden Town (the Honourable Member for Red Pond, in person), the Speaker, there was no provision for appeal from this Board and he told that it should be. But he did not, at that point, as I see it, indicate that an appeal to the Grand Court was, in fact, could possibly be considered that he was saying that there was no appeal or not. But the important point, Mr.President, is that although that reference was made, and throughout this session and this morning in particular, we heard a lot about not accepting advice and not doing and the case, it would seem that the Member was somewhat after hearing submissions on the point that the exercise was in order, because no amendment to this section or to this particular clause of the bill was offered when the bill was going through Committee and if there were any strong feelings on the matter, I would have thought that that was the point when they would have been put forward. And I am only saying this, Mr.President, to try to put a little argument, because I know that will come, but again I have copies of the Standard as well and if this were to be solved in its entirety we can do that, but, I would suggest that this simple amendment be considered, is worthy of being passed by Members. I thank you, Sir.

HON.T.J.MILLER: Second,

QUESTION PROPOSED

MR. G. HALL HARRIS: Mr.President, I support the amendment to this bill. I do this because in Determinant year I accepted that this was how should read the way the amendment will keep it read. It is true, perhaps it is fortunate for the Member responsible for Health matters that we did not put up a strong opposition the machine that are being mended as we did in the Public Health Law. It is also true that we did not put forward the amendment which he seeks to repeal we should have put forward, but nevertheless it is clear that we recognised the defects in the Health Practitioners' Law and we said so, but after all we are not fools - we know when we are beaten - we know this the votes will go before they are counted. We are able to look at our experience - we know that our Backs, together with Executive Council agree to something there is nothing that a handful of people can do. The will of the majority prevails, whether it is right or wrong.

Under the Health Practitioners' Law a Board has been set up which among, its other functions, is to discipline health Practitioners and other officers. The composition of that Board is determined by the Governor in Executive Council; and by the Chief Medical Officer. The only appeal from that Board goes to the Governor in Council - Chief appeal unto Caesar. We felt that was entirely wrong, in fact I even said in my remarks that there was no appeal because the Governor in Council appoints Members to sit a Board. A Doctor who is disciplined by that Board could not go back to the people from which the Board came and appeal to get his redress. We knew this was wrong and we said so forcibly. We said that you were taking away the rights - the democratic right of the people of this Island, or the people that would work under the Medical Services- taking away their fundamental right to appeal.

Because the Member has seen the error of his ways I will not quote too much from the minutes but I would like to quote a small paragraph from page 28, the 6th of October to show that I, for one, maintained that it was wrong to have a Board set up by Executive Council and no appeal to the Grand Court,

MR.SPEAKER BODMAN (continuing) Perhaps the amendment is now making it all right in giving recourse for the continued to go to the Privy Council and I call on this day in October ' I see other defects in the composition of this Board. Isee that its function is administrative and shall not be subject to question in any Court of law. To my mind this is wrong because here we are putting a Board above the law ' there is no provision for an appeal from this board ' (of course there was the appeal to Executive Council who has set up the Board)....the composition is different from the composition of the majority of Boards that operate within the framework of our laws We have some Boards whose decisions are subject to a special Tribunal or subject to an Appeal to the Executive Council. Some of the decisions can even be appealed to the Privy Council. Here we are setting up a Board that has to answer to no one. Its decisions and decisions shall not be subject to question in any Court of Law. We should have no Tzars or no man above the law, because no matter how much technical knowledge these people may have. They are human beings, they can err. they can make. mistakes and they can wilfully do wrong. Nobody is above that, and I maintain that we should not set up a Board which cannot be prosecuted, we should not have a Board which is not subject to appeal.

This Board, and I can see why the Member stressed it so much in his opening, because it seems to be altogether ' different cycle any other Board in existence in these "Islands." I don't know if this was the first opportunity for it how to be re-drafted for this particular field that ownership was taken or put so much power in the hands of the Native Commissioner for the Muslim Provinces, but there is a departure here from what we have known to be right, even any Courts are subject to appeal. Why not a Board made up of lay-people?

Mr. Speaker, did not press forward for the amendment although we knew it was necessary, we took we were right - let me call you what the legal opinion was - page 2 of the Minutes -..... It seems to me quite unnecessary that we should have a further appeal from this Board to a Court of law,that presumably be the Court of Appeal in Jamaica and then house to the Privy Council, because it seems that nobody can ever be convicted of a crime nowadays without going straight through with it to the Privy Council". He believed we shouldn't have an appeal because people might take it on it the basis (unclear) which a legal opinion that was given in this Chamber To it any wonder that a handful of us did not change the law that day when we had 9 votes standing against all and furthermore, the all-powerful man on that day was the Member responsible for Health Services - the man piloting the Bill and this is his conclusion - "Now other point that I would make, and its a final point, " (listen to that) - "its a final point - that even though it is said that the functions of the Board shall not be questioned in a Court of Law, it is a fact that upon appeal to the Governor in Council, some that decision is subject to further appeal, reasons as long as we have the type of Constitution that we have. I would submit that the actions of the Governor in Council are subject to appeal to the Secretary of State for the Colonies, or whatever his title happens to be at the time, and I would further submit that this would not preclude, as was pointed out yesterday, matters for dispute under provisions, common law provisions".

So the Member answering the bell on the 1st of October, 1974 was basically satisfied that it was all right to set up a Board from whence there could be no appeal. The point that he makes about a further appeal to the Secretary of State cannot be substantiated by this law, moreover the law clearly states that the Governor's decision is final - So you come how many

MR. G. MAIN (CONTINUING) Court work is until take somebody to get around that, if you write it into the Governor's decision is final and you put it in a specific statute that the decision of the Governor is final - how can the Member talk nonsense like that to the Secretary of State when we have a specific statute that says the Governor's decision is final. And it is also true that these are more words can be shown the appeal is made to the Governor, but I don't think there is any board whose composition is exactly like the Board set up under this law. There were other defects in this Town which I will not deal with in any great length now just to show how far this Board departed from normal procedure. I'll mention the two amendments that succeeded. One was that the two votes that had been given to the Chairman in the original bill was taken away. Thanks to an amendment from Bodden Town. The Chairman was given an original and a casting vote and that was amended.

Then the Medical Practitioner had the privilege to canvass members of local Bar Board in his favour and that, too, was changed and instead of accepted medical we now have "approved" bankers. So it is my contention that it was the intention of the Jewish Establishment so to take away every right that an aggrieved person could have. There was no way that justice could be done by this Board if this law had passed in its original form and while we were today in getting non-paper members changed to approved bankers and taking away the two votes from the Chairman, it still would had. What the Member has not told us and what I hope he will tell us in his concluding remarks, is why was it now back down necessary to take an appeal to the Grand Court, when not only has the Legal Advisor and undersecretary other Bankers in Executive Council and one of two from the side of the House were all satisfied in October that this Board was alright and it was O.K. If a doctor or any other medical person is dissatisfied with this Board he can go to the people that set up this Board and if he is not satisfied he can go by a vote.

Why have they changed now? The Memorandum does not give any indication of why we are bringing this amendment, yet the Memorandum should give the object and the reasons for bringing the amendment. I have my own opinion on it - I know why it is brought. I can think right off of three legal reasons why it should be brought.

1. It goes against British justice, its unconstitutional for a person not to have the right of appeal.
2. It could open up that the powers from on high, meaning the Commonwealth office has said to us "to hell and always that law", and
3. It could also be that the Medical Practitioners themselves have come up in arms against this legislation.

so I can think of three reasons why we should note this amendment only eight months after everybody thought it was O.K.

We had one total mistake on that 10th day of January and that was in not getting the votes recorded to determine which members had voted against this clause. We did that in the Public Accounts Law but in the interest of time & do not these things slip as but it is very clear. Mr.President, that at least some of the members of this House, without any legal training at all, still know the difference between right and wrong - we still know the difference between good and evil.

This morning I heard a member get up and say " I didn't intend to speak on this". If a man has nothing to say he should say nothing. We are told that this and the amendment which preceded it are straight-forward amendments - how it they evolve at this conclusion when they were not straight forward amendments eight months ago. We hear they are minor amendments yet they could not see the simplicity of them eight months ago when

MR. J.BRIAN HARVEY (CONSTITUENCY): We spent hours and hours in committee trying to get this bill the way it should be. It is my opinion that we are not only labouring under a form of self-government - there are some members that think we are totally independent and they say so as they please, but think not we are still a Crown Colony and even if the members in opposition do not agree there is a duty far greater than the right of voting power of Executive Council and that, direct our ways and can protect the rights of the people of these Islands.

Mr. Speaker then the Minutes - or we will see from the minutes of that sitting that certain members were not convinced that it should have an appeal. How are they convinced anyway? What has happened [illegible] to convince them? There are things like / member/this am. We ought to be / we the reason for bringing this amendment, but all the Commandos says "it is considered". The other one even started in that flowery language it said "upon reflection it was found", and this one reads "It is asserted" that where a locals Constructions is aggrieved by a decision of the Local Body against his order section. It be should have recourse to the Grand Court rather than to the Governor in Council since the Board will have been acting in a judicial capacity and it is sought to amend the law in order to provide for this".

I give this amendment my full support, Mr.President. I am sorry that the tax payers have to pay for the printing of this amendment and I am sorry that they have to pay for the time we are using up today what this could have been done by the stroke of a pen on the 15th of October, 1974 if Members would listen to reason, if members would sit here and examine a thing on its merits rather than dealing with personalities - it would be simple and we could get along so well, but nevertheless I commend them for being humble enough to bring it back, even if they had to bring it by force. I commend them all I commend the Member for the Constituency in Which he got [illegible] this amendment and although he had grave fears that we would be creating expenditure it has not, although he had great fears that we would be [illegible], he need not have any fears. I look at this amendment on its merits - I think it is right - I think that it is right that the public should have an appeal from that Board and so I support it. I will not say that Sir, you wouldn't do it in October so I won't oppose you now" - I do not think shall.

We were dealing [illegible] with the previous bill, we had the same opportunity to say "well, you wouldn't do it in October so we won't oppose it", but we don't do that - we always look at things on their merits. I think this is a good amendment - the only thing wrong with it is it should have been done in October when the bill was formulated and we should not be here now wasting the tax payer's money - because in effect we have spent the tax-payers' money twice. We again at one time refusing to take away their [illegible] and their rights now we are speeding in giving it back to them on a silver platter. Mr.President, it gives me pleasure to support this amendment.

MISS MERLE [illegible]: Mr.President and Members of this house, I rise to support this amendment. I move [illegible] myself, Well I said previously this morning that if we were working together more in harmony we wouldn't have all this money to have so many adjournments. Every [illegible] back, in the world should know that others deserve to have their rights, and it would not be right if I am

[illegible] by a certain decision from a certain body that I should turn around and go to the next body and have any appeal and request to get any difference.

MLAs ARISE (MR.MCKEEVA BODDEN) I have been prompted, Mr.President, recently in questions from the public "What are you going to do about this Medical Practitioners' Bill?" Evidently the Doctors must have been worried because I think it came for them to be worried to know that they could not take their grievances before the highest Court in this territory- that is, the Grand Court were anything that they could apply from those to Her Majesty's Government.

I support this bill and I am very sorry that it was not contested in December. I am imploring this House not to be on these high horses "that I can't make a mistake". The highest human being who has ever lived in the world, he or she has made mistakes. If you all recall history Napoleon Bonaparte moved or crossed the Alps - he was defeated. He said 'I cannot be defeated, I am always right" and we simply do not want that argument in this House any more. We want to work together in harmony and although, as I said yesterday, we have shortcomings of the law, I feel that shortcoming, a full knowledge can sometimes be a better jus than just knowledge alone.

Mr.President, I support the bill and I am very happy that it has reached the place whereby can rectify a grievance that we have made and correct for the sake of these practitioners.

It be a qualified doctor is a noble way of life and if we are to study, I would say, when it they make a mistake, or be as what it may that they cannot go any higher than the board and a little bit above that, we have not dealing justly.

I am not going to make any comments on those who proposed the bill, the records all speak for itself but I am saying this that pride goeth before destruction and a haughty spirit before a fall. We do not want to let pride ruin what we have attained that is, humility - Jesus the highest human being that ever trod this earth He washed his disciples' feet - that is humility. I am very sure there is nobody in this Chamber wants even like the taste of the "bitter wine". We want to be humble and if we had a little bit more humanity and a little more humility we would not have all this bickering in this chamber and I repeat, I support this Resolution and I trust in future when this "opposition", as we are called - if we make a suggestion that it will not be ignored that we are wrong. If you read the editorial in the Sunday Sun it is feared that the major voting power of the Government Bench that the Development Plan might go through. When you see how the are to be viewing me? Do you see that? Well, please let us correct this impression and let it be known that we are voting in harmony for the betterment of the Cayman Islands. I thank you, Sir.

MR. JAMES M.BODDEN: Mr.President, if nobody else wishes to speak, I would move the adjournment at this point.

MR.JOHN D. TEFFERSON: I beg to second that motion.

MR.PRESIDENT: I am quite willing to suspend for lunch until 2.30 this afternoon.

AT 12.00 P.M. THE HOUSE WAS SUSPENDED

RESUMPTION: AT 2.30 P.M. THE HOUSE RESUMED

MR.PRESIDENT: Please be seated.
Proceedings are resumed. We continue the debate on the Second Reading of the Health Practitioners' Law.

MR. CURTIS MIL): Mr.President and Honourable Members, It seems as if I have to get some of these feline standing and say something.

MR. CLERK (Mr. KOSTYNIUK) and I will deal with this bill the same as I did with the other one. I rise to support this bill, and I say this much that if this had been done in October of 1974 we wouldn't have to be worrying about it today as it stands.

[illegible] the Practitioners' Law now that we are dealing with and to speak on this I will only be repetitious[illegible] for I have said on the other previous bill that I saw fit in the first instance and I am with this one the same way and with all of what the other members have said. What explanations were made I feel that it is quite time we stop hiding at one another and get about it to assist and for the people who we have represented. The good tax payers - I would not say I am going to give them a silver platter but I say they can [illegible] back on a paper platter and with that, Mr. Speaker, I close in saying let us work together and try to make something out of nothing to do it with, and I thank you, Sir.

MR. JAMES McKENNEY: Mr. President, Fellow Members, it is a privilege to stand here and to appreciate it I am going to try to add to it and I would like to further bring out some of the points as to the action why we are in the dilemma we are in today.

We have never claimed to have supernatural powers - we have never claimed that we know everything - we have never supposed ourselves to be perfect but we did, Mr. President, make it clear from the introduction of this bill as to the necessary things that we thought should have been changed into it. We felt that in order that justice should prevail, there should have been substantial changes. When we were kind enough to suppose those changes instead of taking a thing to be law, as usual, it was not accepted. But I will give the Members on the other side credit for one thing that on that day they were in a bit of a conciliatory mood. It was one of the rare days that we have ever seen it in this House, because at this juncture that note we did succeed in having the bill [illegible] to several places - we did succeed in adding democracy to this bill, but we did not succeed far enough. I will point this out to you, first of all, by practicing and referring to certain sections of the Hansard which covered the meeting of that day.

It was proposed originally in the bill that the Chairman would have two votes. It is not necessary for me to remind this House of the motion that my colleague and myself spoke-minded on that portion or point, but I would read to you just a section of it.

In speaking on that particular par. referring to the Hansard, I said again I would like to mention to that because we are giving the Chairman additional powers here by allowing him to have two votes. In this case, Mr. President, I submit that that should be similar to your position as Speaker at this House. Where you are to remain and should maintain an impartial manner. That impartial manner can only be maintained by a Speaker when he has only a casting vote. That cannot be maintained by the Chairman, Mr. Chairman, as long as he is empowered to cast two votes and I would hope very much that that would be considered in this bill before it is passed into law. I think I have pointed out two things that could be very beneficial to the operation of this law on the former and I submit them to this House. That was my part of the contribution on that section.

Again on page 43, speaking on the same matter I emerged on it by saying "we had no reason to change section 4 because if any quick was made on section 4 we would definitely lose it in section 5 by giving the Chairman the two votes, so that may have been why the Members was willing to change it in section 4, in reference to section 5 we would still be gaining the same thing by

MR. JAMES M.PRICE (Queensbury) originally was not to have, and I submit, Mr.Chairman, that as far as I am concerned, I am willing to stay here till midnight but I will never agree to the Chairman having an original vote to create a tie and then a casting vote to break that tie".

Heading on page 23 my colleague had this to say - "I would further like to say, Mr.Chairman that the composition of this Board seems to be ideal as well as the purposes of it and power of the Chairman seems to be too much. I already made mention of the fact that the Chairman was penalized two votes and I believe that if the Governor is given some of the powers of the Chairman here we could, in a way, limit the effect that the Chairman has on the Board. ."

Page 28. We went on with a similar approach to this problem. Now the reason I am bringing these things out, Mr.President, is to show this House that every change that was made in this Bill where it appeared before this House was because there were things pointed out from this side of the House. I am further bringing this out to show this House that anyway we look at it, every bit of this is related back to what we are trying to do today in respect of trial, because we have dealt that every section of this, in every way it is put together is dealing with the eventual trial. That we succeeded in doing.

The next thing, Mr.President, the original Bill makes two Board members to be re-elected by the DMO now that would have put him in the position to have had three of his members that he wanted on it at any time, at any particular moment . Regardless of what it was, he would have had three men on it the day before, because he might know that they disagreed with him on a matter coming before him, it could have been changed. Those have selected, so we were ready to get that removed so that, otherwise he would vote his three votes there, plus his vote, which made four, plus another vote in the event of any tie. It would have been impossible nearly for a tie at - don't know why we really wanted to give him that vote anyway, that was changed.

The next thing that was changed in this law was compulsion. We put that changed to 'appointed' and to show this House the relevance of that particular section in regards to the amendment that we are proposing to make today, I would ask the Members who are following my debate quite closely, to refer to page 37 when I closed that particular section of my debate in it by saying "at the pleasure". It would take a little long to read the entire thing and I do not want to prolong the proceedings too long, but we did take the warning notice to point out that there should be a change in it and that the word appointment should be used instead of compel .

I would like to refer to page 36, referring on page 36 we will find that the Honourable Second Official Member said "As Acting Second Official Member, if it will help the Honourable Members opposite, I will heartily apologize for the deficiencies of the Legal Draftsman and agree to changing the word "re-elected" to the word "appointed". From at that point the Second Official Member, which we usually find the back of Gibraltar approach, was even willing to make a change so, Mr.President, it did have a very definite link into this entire case.

Page 71, towards which an argument that was put to the House in regards to compulsion and appointed and how it dealt with trial and there is no doubt that the person is on trial and there is no doubt that we cannot get away from it that those were the guidelines which were going to be put into law which would have determined his trial. It also goes much further than that and it affects his rights if I know . Those were the dangers that

MR. JAMES M.MORROW (COCONINO): were pointed out. We did get those technical minor changes into the bill but we were not of the opinion that that was enough because we did enjoy appearing in Mr.Hemsath's court. On page 38 I think the Board was at the completion presence of the CAO and we pointed out how detrimental that could be.

We must look at it this way, Mr. President, we are dealing with not a trivial matter here -we are dealing with something that affects the very livelihood of many people. Take for instance, we could have a young Caucasian who has gone away, studied medicine for seven or eight years coming back to the Island and for petty reasons, or any trivialities that could be dreamed up by whoever occupied the position of CAO, actually took off that man's right of livelihood for the contract his life because once we have granted a man of that professional nature as we being able to secure a permit or a license to practice his chosen profession in the Cayman Islands. Let's face it, we have ruined that man for life. Here we come in in this very session and we are willing for the Government to go ahead and borrow money to set up a scholarship fund which is very commendable, but at the same moment if we treat him this way to leave this profession and then he comes back and cannot obtain a license for some petty reasons to practice in, how is he going to be able to pay the Government back? He will then have to go out and may be white people is going to do so. This is not a laughing matter or anything like that, Mr.Chairman. I think it a very grave situation and that is why we should rise and tonight to get Chairman into this bill and that is why it was necessary that it be done.

I endorse this, Mr.President, when I spoke on this matter in the meeting here in October, on page 42 I said "I personally do not like to see under assumptions, because I think we would all like to presume that everyone sitting in this Assembly is angels and that when we go to the great beyond we will live in a perfect world, as presumed is just like this would be like presuming that, but Mr.Chairman, I will only speak on this probably the last time now and before we vote on this I would like the Members to put themselves in the position of a person appearing before this Board. I would like that to search their conscience real deep and think that supposing they had got cleared to study to be a doctor. It probably has taken them seven years to complete the study and it has probably cost his family in the neighbourhood of $20,000 to $40,000 to see him at that stage. Now I mean, before being what it is, Mr.Chairman, it is very fair for someone to appear before that Board. for family circumstances to weigh it, many other things to weigh it and the person be denied the right to practice. I know the Members on the other side will be saying that the thinking may be too far, but I think if we look at the facts in the past, similar things to this have happened, Mr.Chairman, with the true temperament that we are dealing with today, can it honestly say that it won't happen again in the future, so I am only asking the Members to search their consciences real good and put themselves in the position of the applicant before this Board before they vote for it the way it is now."

Well of these things were pointed out for those changes to make it necessary to go into something else to give a more democratic approach to the Board, it is quite true that on this particular session the Government has amended it today, we did not have an amendment to it, but we fought continually through for the right of appeal, as all of those points actually led up, in our opinion to the eventual trial.

I have pointed out the importance that I attach to this particular section, because it does deal with the man's professional rights. So when we speak of that, Mr. President, that we took a great leap forward, and on page 39 the

MR. CHRIS M.HUGHES (CONTINUING) Sir, I will reveal that at that point I craved your indulgence to excuse the Members of Executive Council to seek their consultants and I will read this at this time to the Members of the House to refresh their memories - "Mr.Chairman I quite agree with the Member over there, but I wonder if such an important thing as this and I do not want to anticipate in any respect of your decision, Sir, but I wonder if such an important thing as this if we rushing here such weight voting as we were, because I think that some Members on the other side have really seen through this argument and I think that it is very detrimental, Sir, if we leave this into the law, because we are creating a law here that should be used for the next twenty-five years and we are going to deal with personalities, but that was the great importance that we attached to the changes at that time.

My colleague on page 22 dealt and pointed out at the very beginning of the introduction of this bill for the right of appeal and I will read that particular section. "I see other defects in the composition of this Board I see that its function is administrative and shall not be subject to question in any court of law. To my mind this is wrong because here we are putting a Board above the law - there is no provision for an appeal from this Board which, I think, is different from the composition of the majority of Courts that operate within the framework of our laws. We have many Boards whose decisions are subject to a special Tribunal or subject to an Appeal to the Executive Council. Some of the decisions can even be appealed to the Grand Court. Here we are setting up a Board that has to answer to no one. Its actions and decisions shall not be subject to question in any Court of law. We should have no Board or no man above the law, because no matter how much technical knowledge these people may have, they are human beings, they can err, they can make mistakes and they can wilfully do wrong. Nobody is above that, and I maintain that we should not set up a Board which cannot be questioned, we should not have a Board which is not subject to appeal." I point that out, Mr.President, as that was on page 22. The Bill was put before the House on page 19 and the only speakers before that was the Member piloting the Bill, the Third Elected Member from George Town and myself. My colleague held me to my specific. So as early in the introduction, even before we got to Committee stage, on the Second Reading, this was pointed out that it was quite necessary to have some section of the law that would deal with the right of appeal.

I would like to go further on page 23, the Acting Honourable Second Official Member at that meeting said the following words. "In a small Island such as this, it seems to be quite unnecessary that we should have a further appeal from this Board to a Court of Law, then presumably to the Court of Appeal in Jamaica and from there to the Privy Council, because it seems that nobody can ever be convinced of a crime nowadays without going straight through with it to the Privy Council." Those were the words of the man who evidently drafted this Bill and who sat in the House in the capacity as the Second Official Member on that day. So there is no doubt that from the very beginning there was an intention to give a right of appeal because this is the legislative mind that we must depend on for guidance and be it Solicitor-General, with his very words, that there should be no right of appeal. Now, Mr.President, I am not picking things out of the air and I am not discarding up Hansard, these were actual words that were spoke in this Assembly and I submit in deference to anyone that some of the reasons that we do not win cases or the reasons that such things as this would happen, is as Mr. Duncan just a moment ago said that we should have that right but because what he says about it is not done right.

MR. JAMES (Scottish Nationalist) I wish further to bring to the attention of this House the words that were spoken on page 24 of the Hansard of the same date. This was in regards to the debate of whether the Chairman should have an original or casting vote. These words were spoken by the Secretary during Second Official Number . He said "subject to what the members of this side of the House may decide, apart from a matter of opinion of the various members of this Council". Mr.President, we do not need to go any further to debate anything about this bill if we just paid particular attention to these words, because Dear us did what he has said, he said this what the members on this side decide and its what the persons on that side express their opinion on". So we can only express opinions, which we all know the opinion seats there. If anything was ever blunt and ever true about our present constitution, thank God it there was doubt in the meeting, although we did have a lot of recitations, we did say on. bring that was true.

I refer the Members to page 24 of the Hansard to show why or know more of the reasons why we did not table any further amendments because at that particular time we were in a very conciliatory mood . Some Executive Council Members had begun to see the light, so we were quite willing at that stage to be conciliatory. I will read what was said. "I had promised not to speak any more but even Moses, after wandering through the wilderness for 40 years reached the promised land, and it seems like today we are reaching the promised land as far as letting Executive Council Members see the nature of their work, because I think now that they have an idea what is what this is an unusual thing to happen - is ever to get corrupted members given a vote and particularly for it to be written into a law that those corrupted members have a vote and I feel very glad that we have gotten this point across and I am hoping that in some way we can find a way to change this by a proviso or an amendment or something attached to it."

On page 76 Honourable acting Second Official Member said " I will hurriedly apologise for the reticiendes of the Legal Draftsman and agree to changing the word "corrupted" to the word "improperly". Page 25 really reflects the conciliatory mood that prevailed and proves to the public, proves to the people who some Members are worried about that we are spending their money carelessly, because we spent it this time and it might take a little longer than people would like it. I will point out to the Members of this House how much table it is to the country for the few dollars that are appropriated for the coffee break. Let me go on page 30 we had had quite a heated debate concerning certain sections of the bill. Up to that point and it will be seen by reading page 29 that after the coffee break the Honourable Member steering the bill through committee stage at that point came back after everyone had a very refreshing talk in the Committee and had proclaimed the real commitments that we were making for and then we all agreed. So you see we do not waste our time we have the coffee break and believe me we spend Government's money foolishly when we speak too little. At that point we were in such a conciliatory mood that no withdrew our amendment and at this point I cannot tell you whether we had any further amendments or not that were tabled, but at least whatever they were, whether they had been dealt with before or were due to be dealt with in the future, at that point they were withdrawn.

What I am wondering about, Mr. President at this point is on looking at the Amendment attached to Clause 21 requesting this change - it says "that it is considered" - we should change it. Mr.President, one of the reasons may be that we waste time in this House is because we are never told the truth

MR JAMES M.BUCHAN (continuing) We should be told the truth - we were all elected by the people of Cayman Islands....

MR.PRESIDENT: I think that's rather an extreme statement..

MR. JAMES M.BUCHAN: I apologize if it is, but Mr. President, with due respect I think we should be told the truth whether this came as a directive from London or Jos or who told us to change it. That is why I was making the point that we should be told the truth and I think I should have the opportunity to fully bring out my argument and that rule me out of order if I am wrong. I am asking at this point - who told us? Who considered it necessary for it to be changed? When we couldn't see these changes a few months ago why has this to have arisen? That's why I am saying, Mr.President we would be wasting the time of this House if Bill matters were dealt in this House, like questions and motions and Bills, the right approach and the truth was told to us.

Many changes are still needed in this Bill - this is not the only one and I am sure that you will be bringing it back here again asking for more. Page 23 of the Hansard - "Government Members did not support other sections of this Bill" - Must notice they say different - don't they have to go through the same training - don't they have to spend the same money?Why should a private practitioner have to go through this Board and be subject to the disciplinary action of that Board and obtain a licence to practice in his own country if he is a Caymanian and yet we could bring in somebody else from abroad and he is not subject to this Board because he does not have to have a licence to practice. Now, if you can tell me that is right then I will be glad to sit down, I feel that they should be Caymanians through this Board in the same manner as any other person coming before it. I feel further, Mr.President, that we should have a balancing of the Chairmanship of these Boards - this is what is happening, for as today in Cayman - We accomplish nothing and there is only one thing that takes them out - and that is the Grim Reaper. They were not subject, like ourselves to election where you can be removed - they are only subject to the Grim Reaper and that is why today we have so many things going wrong in this country, because these People are not accountable apparently to nobody.

I feel again, further amendments should be made in it to where the Medical profession as a whole would have the right to have more representation on the Council and for that the CMO operation, notwithstanding to any blame to this. I know the things I am saying here are not going for the few because people don't like to hear the truth. But I don't like to hear the truth. We do not.....

HON. BENSON O'BRIEN: Mr.President, I object to that statement. Sir, it is an argument on the Problem at this time.

MR.JAMES M.BUCHAN: Mr.President, I am putting myself in the position and saying that the Members don't like to hear the truth from me - what is wrong with that under our Standing Orders? There is no expression against anyone. If I were saying to Hon they wouldn't like to hear a lie I bet you there wouldn't have been a soul on that side get up and said anything. We can carry the standing orders so far and no further. Mr.President - if they are good for us they are good for the same one, remember that. We can not be right all the time, we have committed Government Members that have been brought to this House when they were brought in the manner that they should have been brought and what they were of right, or what we thought were best for the country and Mr.President,

MR. JAMES N.BROWN (CONSTITUENCY): We will always continue to very much appreciate it, but I am warning this House that we are not going to just weave idly by and accept it just because someone else says it. And I am further warning this House that this House must have impartiality prevalent. We will not be subject to two rulings on any point in this House and just because some members say things and silence of women that some of them are like cobra, Mr.President, on the banks of a mill-pond and any time you think that you are going to put a bill down....

MR.PRESIDENT: I must ask the Honourable Member not to make aspersions about the Honourable Members of this House.

MR. JAMES N.BROWN: Mr.President.....

MR.PRESIDENT: This is according to Standing Orders.....

MR. JAMES N.BROWN: Mr.President, quite true. I am quoting exactly what was said by another member this morning and you did not stop him. Now, Mr.President, we must have impartiality...

MR.PRESIDENT: I am not going to enter into an argument between the Chair and the Member of the House. I am not going to tolerate any ruling.

MR. JAMES N.BROWN: I apologise, Sir, but please respect me and give me impartiality.

MR.PRESIDENT: Are there any other speakers to this motion?

MR. WILLIAM CAMPBELL: Mr.President and Honourable Members, certainly we have heard a lot said in this Chamber today. A lot of rhetoric, a lot of empty words. It's a pity we don't spend more time trying to do the things that would be good for the people instead of spending that in here fighting over these senseless, little foolish things, as far as I am concerned.

I rise in support of the Amendment Mr.President, the amendment -- this bill -- this law. It is true that something like might result from this law was brought into this House and this law went through its normal channels, second reading and we are here today placing an amendment to this particular bill.

And if we were to sit down and listen to all that was said in relation to that we would have thought that this is the only House anywhere in the world where an amendment to any bill has been brought and I doubt if they were to read the reports you would find that are done in any other House anywhere else in the world, and certainly I want to say this that I believe, conscientiously, that any bill that's debated in this House I and I speak for myself) what there's only one concern of mine and that is that in our deliberations, in our consideration, that we are trying to get the best we possibly.

I believe that this Committee we have a legal guidance as any House anywhere else and I believe that -- how about time that we quit saying some of the things that we are saying not to be heard. It's not election time yet, it's 1975 and that's almost another year away.

I rise to support this bill and hope that God will help us to put aside the little petty things and get on with the job of reconstruction, trying to work together to be able to take these Islands a better place in which to live.

I know, Mr.President, that this is what goes on in every Parliament in the world, everybody is going to be up related into themselves and personally I would be if I might

MR. JOSEPH JOHNSTON (Cornwallis): Concerning this some of the actions, I would no doubt, without any question, give my life to defend a man's right to speak out, but the insertion becomes like an old London house after awhile. I rise to support this amendment.

MR. M. DONAHOE: Mr. President, I shall be very brief with what I have to say and I am not going to quote from Hansard but I will remember the meeting that took place in October and I further remember clearly that when this matter for the Chairman to have a casting vote as well as an original vote, I objected to it very strongly. I even went so far as to say that on one occasion I liked this matter clearer of in the House of Commons during a Session on Parliamentary procedure and practice and the question that I asked the President "Is it right for the Chairman or Speakers of any Board to have a casting vote?" He said "Well, that answer has, so far as the casting vote in connection the Chairman of these Boards or Committees or whatever such, generally casts his vote in such a manner that it leaves the situation as before. In other words it can be brought back." and I further remember that during the administration of Mr. Lewis in this House that a matter similar to this came up and he said "Gentlemen, I am going to clear my vote and I do casting it with the opposition because I do feel that it shouldn't be killed at this stage but it should be left there so that it may be brought back". I also thought it was wrong for the Chairman of this Board to have the right to choose how he gets or whatever you choose to call it and that was reduced from three to one. Furthermore, it was changed to being "appointed" rather than to be "co opted". These three things I remember very, very clearly and I suppose this, I suppose this amendment was brought you come and I only want to say this, whatever I said then I still hold to and I am very glad that I am to become back and corrected because I do feel that this Board should not have the last say and it shouldn't be that the Government in Executive Council appoints these members and then turns around and says "Well, you have to appeal to the Governor in Council and their decision is final".

I maintain that we should not in a position where if there is somebody (it might be right) but I do think he is right, he should have a right of appeal and it should not be from the administrative part of the Government but it should be through the Courts. So again, Sir, I thank you for allowing me to say a few words but this is how I felt then and this is how I feel now and that's why I heartily support this.

MR. [illegible]: Mr. President, I am in support of the change in the Medical Practitioners' Bill. I still say that the storm in the teacup was caused or manufactured as a result of how strong characters clashing. This that is on one hand and on the other hand I don't blame the other side because in every walk have superimpositions on him, or the private doctor and knowing human nature as I know them, as I know it, it happens this and happens often.

One thing, I agree strongly with the Honourable First Artic Member for Labrador West, is when he is voicing the opinion that nobody should be kept on the Boards indefinitely. I say that we have people in this country that have attached me - they have put me on the guidestone and kept me there for a long time and did as much damage as they possibly could and I know that it wasn't even a fair deal and I know they are capable of doing the same thing to anybody else, I say that some of them have been there five years - they have no right to be there that long and you don't stick to your own of a college that wouldn't allow to that my men also have

CAPT. A.J. BELL (LOVELOCKING) enough in the here that they haven't got to worry about it, not somebody who is trying to get rich over night. It is just not good enough - it is just not good enough to have somebody on a board whose [illegible] interest conflicts in every instance. There are men on some of these boards that their own personal offices clash on every meeting and yet they remain there. And I am going to tear the roof off of this building or get some of it remodled. Every man in this House knows it a fact - the people on the street know it - the news media knows it - talk to them and you will find out.

I was hoping that something would come up this time that I could get up and say all I have in my chest - (MRS. [illegible] -LAUGHTER), but I don't want to over-step the order but I would like to tell you something about the queen - the golden goose - every businessman in this country today is marching as fast as can - the guillotine is over the Queen's head and some are sharpening his axes, some his legs - and even the little man is pleading for the Scaffold, and if we don't do something to control it for help us.

I have just gone through the United States, all through Florida, four hundred miles through Florida and over two or three hundred miles in Ontario and the difference is proven to us every time....

MR. SPEAKER: I must ask the Honourable Member to speak to the Bill - he is getting further far away from the subject.

CAPT. A.J. BELL: Yes, Sir, I know. But this House is where we can voice our opinions and sometimes the opinion is good. I will say this, Sir, or notice what the Constitution says and I apologize if I have over-stepped the line, but I'll get it in if I have to bring a motion the next meeting - I'll get it in somehow. And a lot of these merchants are not going to like to hear what I have to say, but I am worried about the country - I am not worried about myself, I am pretty [illegible], I am pretty safe - my workers are pretty well secured, but I am worried about this country. But I'll get it in - just regarded on that if I've got to bring a motion I'll do it.

- support the Bill, Sir - I can't say anymore on the subject than that however it is not necessary. What I wanted to tell you about is some of the one hundred and forty per cent profit prices I was charged here, things I brought back from the States with me this time. I'll never buy anything here again, the merchants will never sell me anything - I am going to put in myself always I can save a hundred per cent.

MR. A.A. WISEMAN: Mr. Lieutenant, Honourable Members, like just observation I would like to make and take issue on this Bill. It is a pity that so much has been said on such a very simple bill, an amendment to a bill. If we have, on issues like this, what's all that over week on when a colonel bill was passed then I am sure we are wrong to spend very little more in this place.

Now we talk about wasting time - I think this is where time is wasted when you have to go to the Minutes of Meetings months and months ago and bring up all sorts of things of what this one said and that one said and didn't do it. I must say, again here in the Chamber, when this is so small, it's a waste of time. I think that seem coming from how this is going to be made or this or else we are not going to get anywhere in this Legislature.

Surely, all members here know what went on in the other meeting, they have the minutes before

GOVERNMENT (CONTINUED) Lows and what is the law of the jungle was said three things just reminding them again at this meeting with this little amendment? They could have easily said "We disagreed with the Bill as it was before - we thought this amendment was necessary and here you see, bringing it today. We agree with the amendment - this is what we wanted originally", but don't go sending back and dig up all kinds of things and come back and make all sorts of sarcastic remarks, all sorts of unnecessary remarks about the members who made the Bill, the members who looked at it in a different light from what they looked at it, and mention them for everything they have ever done. Mr.Speaker, to my mind, it is a disgrace on this House.. (HON.JOHN DEFRIES:Hear!Hear!) to go into things such as this and for legislation, good legislation as we call ourselves to stoop to ridiculing one another, calling one another ignorant. The Executive Council is nothing to them and who then is anything we have but ourselves?

Mr.President, I just wanted to make this known to the members of this Chamber.

MR.SPEAKER: If there are no further speakers, I will now ask the Assembly Member to reply.

HON. DERRICK O.BENNETT: Mr.President, this motion has been taken through so many circuits that I am at a loss where to begin and I suppose somebody must have hit upon some relevant point we were like because like the watch owned by the dog in Walt Kay Lane's cartoon, twenty-hours every thirty-six hours, he said it was right then when it crossed the right hour, (HEARSAY - LAUGHTER)

I want to make just a few points, Sir, then is that when the Social Practitioners' Bill, 1974 was drafted it was not my drafting and for the sake of the member who seems to think that the Bill was drafted to put so much power in the hands of the Member for Health, I would just like to call his attention to the fact that the Member for Health is not mentioned once in this Bill - he has no jurisdiction within this particular Bill whatsoever.

In presenting the amendment Bill, Mr.President, I did not lay down the law that the Second Member for Hidden Town had mentioned the fact that the section dealing with appeal, but he is himself admitted he indicated that he wasn't sure there was any appeal or not and therefore was ready to my statement regarding the appeal and the case that I said the other point that I want to make and it's a small point, a bit more tit of the word right. The Speaker tried to give the impression that I was saying that I was the final authority on the law. If Members look/the minutes Mr.Speaker, it will be found that it was the final point in my submission and I conclude (I don't know whether I am right), I maintain that the actions of the Governor in Council are subject to appeal to the Supreme Court for the Colonies or whatever name it might have at the appropriate time, but certainly the officer to whom or who is responsible for the administration of this Ordinance,

Now I don't know why so much bad weather was made of this because it is a fact that this is one the only law in which appeals from a board to the Supreme are final. We have, in the case of the Caymanian Protection Board, section 11, appeals against refusal of gainful occupation permits the appeal is to the Supreme and it is final. In the section dealing with licenses under the Local Companies Control Law, the granting of licenses under the Law. Companies Control Law, the appeal to the Governor in Executive Council is final, and in many other Boards,

MR. ARNOLD G.FRANKS (CONTINUED) The Members seemed to have been trying , in jumping from one page to the other, I don't know whether it was the gallery or the members they were trying to confuse but the arguments that were quite an when all of this was being referred to me not above on appeal to the Courts - it was over the question of the composition of the Board, the word "exempted" as opposed to "appointed" and whether they should be appointed by the Governor or whether they should be appointed by the Chairman who was the Chief Medical Officer, and while the Member took pains to point out that Executive Council was in a compromising mood that day, he was very careful to read the contribution of the then Acting Second Official Member as regards changing "exempted" to "appointed" but the Member was not cautious enough to point out that it was the Member piloting the Bill, that is, myself, who first made that suggestion and it is right at the top of the same page 26.

I would advise the Legislature or the House just to read that portion. - "Mr.Chairman, the only thing I know to say is that if "exempt " is what is worrying the Members in this instance I don't think if the word "appointed" was used it would alter the meaning any. So that it, but I would certainly go entirely in the hands of the Legal Draftsman, I mean the Second Official Member. He has it this is corrected". So we spent a day over on that occasion,Mr.President, arguing over semantics as to whether "co-opted" or "appointed" should be used after it was very clear in the bill what was meant by it, and as far as the member knew nothing changed or what not, the composition again of the Board, the point that was being emphasized in October was to preserve the flexibility of the point where the Chief Medical Officer's appointees served at the pleasure to enable him to appoint the type of practitioner that was required for the particular matter on which the Board was sitting and had we accepted the recommendation not to allow for it, we would have had a static Board which would have defeated this flexibility because in the law we had a provision that whenever necessary the quorum sitting to try a person in a disciplinary proceeding must include one health practitioner in the field of the person being considered. It was explained that this might entail even going so far as to have somebody from Trinidad to sit on the Board.

And what should be remembered, Mr.President, is even though we are now bringing this amendment, what the Board really sits, when it sits in this capacity under sections 10 and 11 it is not try a crime, those are tried in Court - it is for mere complaints of malpractice and this is why the Government Medical Officers are now brought under the Board, because the general orders of Government will be able to deal with their officers for mal-practice if they are convicted or if they have committed a crime, they would be tried under the Courts as in the Courts the same as anyone else. Furthermore, Government would not recruit anyone into its services who was dishonest or unqualified. As far as the instance of the young Guyanese is concerned, Mr.President, which has really nothing to do with this again, but it was brought up, if Government considers that Guyanese he would be coming back to serve Government - he would be a Government Medical Officer so there would be hardly any chance of any Board having him from practising, because he would not be covered by this Act in any event.

But this country would be awfully sick if a Board would deliberately prevent a person who was qualified and not otherwise disqualified from practising and getting a license to practise - a Guyanese.

I don't know what the argument that has been advanced, Mr.President, regarding people getting up on their high horses and saying that they can't make mistakes is all about, because the very fact that this amendment is before the House is

MRS. TYRONE O'BRIEN: (CONTINUING) an indication that something is lacking in the Bill, an admission that something is lacking in the Bill. The point which I made in presenting the Bill, and which no one has been able to successfully contradict is that during the study of this Bill in the Committee stage where two amendments of a nature like this would have been made no effort was made to change it and I don't see how anyone could come back today and try to say that in October they wanted this in the Bill - this cannot be supported from the records.

The other thing that I must make mention of, Mr.President, is the fact that that Daily Hansard that we had, when we resumed there was tacitly an agreement to accept any amendments that were before the House. If Members will read that section they will see that on resumption I made the point that as adjournment we had reached the stage where there were three amendments before the House and we were about to vote on these and although the question of numbers were not raised in the debate, I believe that may be if in the amendment which I proposed it was altered that "n" should read "up to two Health practitioners" that is substitute 2 for three and substitute "appointed" for "composed" that point would meet many of the fears that have been expressed and I think that it would find unanimity in the House and in an effort to do this I would be prepared to offer that amendment.

So far as this speaking with on a casting vote is concerned, I would like, Mr.President, to bring members' attention again to page 44 to the contribution which I made there. "Mr.Chairman, I would have no strong objection if the casting vote clause was retained. I don't feel strongly about it. This was a draft, I think you know. I am not going to fight this Bill in any way and I would hope that democracy can prevail and that a person would get a fair break if he was innocent. I hope that it would be unanimous in the terms of the qualify and I would hope that it would be unanimous so I am will ing to give on this point. This is not a point that will affect, in my opinion, the health services of the country, so I am not worried about this. What I am concerned about is the delivery of health services". And I think that one Member also said that it was a pity and it was a mistake that they did not ask for the division on this particular clause, way be I can help the members with that. If the members will refer to page 45 they will see that when the question was put on this clause there were no "No" voices recorded.

Mr.President, again I say that I commend this Bill to Members and I formally move the Second Reading of the Health Practitioners' (Amendment) Law, 1973.

QUESTION PUT: AGREED. BILL READ A SECOND TIME.

MR.PRESIDENT: The next item on the Order Paper is Bill - COMMITTEE STAGE, we have Bills already to move into Committee on the Higher Education ; Town; Bill, Public Service Commission (Amendment) Bill and the Radio Bill, that leaves Nothing to move into Committee on the Public Health (Amendment) Bill, the Health Practitioners' (Amendment) Bill and the Penal Code on which I believe the Honourable the Attorney-General is moving a referral to a Special Select Committee.

HON. BERNICE T.EDWARDS: Mr.President, I am not sure - may you suggestion, that I should move a motion for the Bill...

MR.PRESIDENT: I think it would be better if we took the three bills and then we can move that Committee and take the outstanding bills in Committee.

PUBLIC HEALTH (AMENDMENT) BILL, 1975
COMMITTED THEREON.

MR.PRESIDENT: The Public Health (Amendment) Bill - do you wish to move on that?

HON. EDISON O.SHARKES. Yes, Sir, I would like to move that the House resolve itself into a committee of the Whole House to consider the Public Health (Amendment) Bill, 1975 clause by clause and amend it where deemed necessary.

HON.D.V.WATLER: Second.

QUESTION PUT. AGREED

DENTAL PRACTITIONERS'(Amendment) BILL, 1975

COMMITTED THEREON

HON. EDISON O.SHARKES: Mr.President, I beg to move, Sir, that this House resolve into a committee of the whole House to consider a bill entitled the Health Practitioners' (Amendment) Law, 1975 clause by clause and amend it as may be deemed necessary.

HON. D.V.WATLER: Second.

QUESTION PUT. AGREED

1975 PENAL CODE

REFERRAL TO A SPECIAL SELECT COMMITTEE OF THE WHOLE HOUSE

HON.G.T.WHITMARSH. Mr.President, I beg to move, Sir, that a Bill entitled the Penal Code be referred to a Special Select Committee of the Whole House in accordance with Standing Order 82 and 97 (2).

HON.D.V. WATLER. Second.

QUESTION PUT: AGREED

MR.PRESIDENT: The Penal Code is accordingly referred to a Special Select Committee of the Whole House. The Chairman of which will be the Honourable, the Attorney-General and the quorum as Candidly the Recently called in the proceedings.

The Assembly will now resolve into Committee to consider these five Bills.

RIGHT TO COMMITTEE

MR.CHAIRMAN: The House is now in Committee. We will proceed, first of all, with the HIGHER EDUCATION (LOAN) BILL.

THE HIGHER EDUCATION (LOAN) BILL.

Clause: CLAUSE 1: SHORT TITLE
QUESTION PUT: AGREED: CLAUSE-1 AGREED

Clause CLAUSE 2: AUTHORITY TO RAISE LOAN
QUESTION PUT: AGREED CLAUSE 2 AGREED

Clause: CLAUSE 3: ADMINISTRATION.
QUESTION PUT: AGREED: CLAUSE 3 AGREED

CLERK: CLAUSE 4: AUTHORITY TO BORROW
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: Clause 5: PAYMENTS AND INTEREST TO BE CHARGED ON GENERAL REVENUE
QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: A BILL TO CONFER POWER TO RAISE A SUM NOT EXCEEDING FIFTY THOUSAND DOLLARS ($50,000) TOGETHER WITH INTEREST ON THE SAME BY WAY OF TEMPORARY LOANS FOR THE PURPOSE OF CERTAIN LOANS FOR HIGHER EDUCATION.
QUESTION PUT: AGREED: TITLE PASSED.

MR.CHAIRMAN: That concludes Committee proceedings on the Higher Education (Loan) Bill.

The next bill is the PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975.

ONE NIGHT: SERVICE COMMISSION (AMENDMENT) BILL, 1975

CLERK: CLAUSE 1: SHORT TITLE.
QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2: REPLACEMENT OF SECTION 6 (1) CAP 38 of 1967.
QUESTION PROPOSED:

DRAFT REGULATIONS TO ALLOW TAX : NOT LAID ON THE TABLE!

MR.JAMES M.KOSGEY: Mr.Chairman, at this moment, Sir, we have been circulated with a memorandum here, which is asking us that the Regulations under which this would work. This is the first time this has happened, to my knowledge and I have to crave your indulgence in requesting whether we were permitted to speak on such amendments on this or whether we pass this section the way it is here, whether this bill or these Regulations that have been circulated to us whether they will stand as they are. If they are going to stand as they are I would not be in favour of agreeing to that section, but if we have the power to try to deal with them and make comments about sections of this particular Regulations as circulated by you.

HON.D.W.MWITIKA: Mr.Chairman, in accordance with the law itself, the Governor in Council can make regulations, but we would welcome any comments you have on the Regulations so that we can take them into consideration when we are going to pass them.

MR.JAMES M.KOSGEY: I appreciate that very much and I would like to make some comments then on certain sections of these Regulations. Section 21, the one on the last line ANNOUNCEMENT as WISH TO ENABLE CANDIDATES TO MAKE APPLICATION FOR SUCH VACANCY IN ACCORDANCE WITH SUCH ADVERTISEMENT. I think this should be changed if not it is going to sometimes I think as a local man-agent. In here we should specify at least 30 days in advance because that would enable some of our people who live abroad to have a chance to may be make applications for some of these positions. If it is left as it is circulated some sections of, then when you know about it, it might be too late and I would crave the indulgence of the House to recommend that this be changed, in remark, instead of"IN TIME" strike that out and insert instead "AT LEAST THIRTY days in ADVANCE" to take the place of "IN TIME".

MR.JOHN MWITIKA: Mr.Chairman, I would also agree with the hon in favour of that remark.

MR.SPEAKER GITHUKU: Mr.Chairman, I hate to open a can of worm again but I don't think we can dealing with the REGULATIONS here and I don't see how they can be discussed or amendments proposed to them here.

MR.CHAIRMAN. I think that technically that is correct - we are dealing with a Bill. The Regulations have been circulated I think to Honourable Members for their better understanding of the Bill. Would it be satisfactory if they made written submissions to the Chief Secretary before the Regulations are made? If necessary a meeting could be held with Honourable Members....

MR. JAMES K.POOTEN: Mr.Chairman, I don't know that why we have really circulated with these - I was hoping that a procedure had been set which would have given us a little bit of the democratic procedure we had been requesting. However, it seems to me, I think the First Official Member was piloting this, and if he gave his permission to allow this, I was hoping that it could have stood. However, I would not/going the words of my colleague across the aisle 'open a can of worms' on it, and I will be very brief if I may a point be allowed then to state, on record, right now, the objections that I have this instead of re circulating them. If any other member then would wish to take a comment on them they would do so by letter but I would like to go on record to make the few items I am not in agreement with, Sir.

MR.CHAIRMAN: I think that is fair enough. If the Honourable Member states his objections to various Sections, these can be recorded and studied later.

MR JAMES M.BROOKS Section 26 - last line, I would like to see inserted after 'Commission' 'Governor' - which, as I interpret it would be Governor in Executive Council.

Section 27 - ..

CLARK W.CROLLY: Mr.Chairman, I think the Governor is Chairman of the Commission. I don't know what the section is, you have us at a loss here because Members over there have these.....

MR. JAMES POOTEN If I read this thing correctly - the reason that we are here amending this section is so that the Public Service Commission is another Board set under which we will have a Chairman, who will not necessarily be the Governor, so that the Governor will not have to deal with all of these functions. That's what I thought was the interpretation and the reason for putting this through.

MR.CHAIRMAN: The Governor is not Chairman of the Public Service Commission.

MR.JAMES POOTEN: Well, that's my interpretation of it, Sir, and that's why I am asking that before - section 26 is dealing with an appointment, promotion or removal of a public officer and I am only asking that before such a thing should be done, action should be taken on him, that the action of the Commission dealing with it should be reported in this case, to the Governor, and I am only making, as another safe-guard to it, that "and Governor" be added after Commission. If it is going to provoke a can of worms I am quite willing to withdraw it, Sir.

FOR.W.W.CROLLY: Mr. Chairman, as far as I remember, the Public Service Commission Law - the Public Service Commission is only in an advisory capacity to advise the Governor and I think that even though you have another Chairman, all matters will go to the Governor. I think they work finally with the Governor, so in any case it would go there. What I was saying - I don't have those Regulations in front of me and I couldn't say one exactly what the Member was saying, but I am sure that the Public Service Commission law only makes the Commission an advisory body to advise the Governor on these matters, because under Section 54 of our Constitution all

HON. M.N. DOOLEY: (XXXXXXXXX) ... matters dealing with this, again in the hands of the Government and the Executive Council either.

MR. JAMES BURTON: Mr.Chairman, I am not trying to get a debate into this, Sir, if it is I am willing to debate my side of it. I was quite willing to go along with the suggestion that we just read them out and I understand and I quite know, Sir, that regardless of what points we raise, nothing can be done about it, it is going to stay as it is anyway. I only want to go on record that I have made these points.

If I read this Government correctly, Sir, we are trying to get this law into shape that we would not have to deal with every bit of the little day-to-day workings of it, and you would set up a Supreme Commission which would then have a Chairman and all I am suggesting is that before we would transfer or devote powers into the service that the final say should come from you - not from the Commission.

MR. CHAIRMAN: I can give that assurance, there is a Public Service Commission doing this function now and those Regulations, slightly re-define the functions of the Commission, but the Commission is still advisory to the Governor and there is no change in this respect from the existing regulations.

MR. JAMES BURTON: All right, Sir, if that's it - I have...

HIS WORSHIP THE SPEAKER: The only point that I would make to that as far as I am concerned, Mr.Chairman is that as far as - as I understand the Public Service Commission, up until now, and I agree with the Lady Member, has only been a façade, as far as I am concerned and I am glad that since you have been here that you are taking steps to see that it functions like it should. Because I am not at all satisfied that it functions like it ought to and I must say quite honest about it, at the points the Member from Bonavista is making, as far as I am concerned, I support them one hundred per cent.

MR. CHAIRMAN: Well, Mr.Chairman, just a suggestion - I will move on to my next which is Section 27 (a) section 27 (a) reads that the position does not have to be advertised, in other words, the check words, reading from the second line after the word 'whether' "or not the vacancy shall be advertised" I would suggest that after 'whether' we insert "must be advertised if no one being promoted to fill the post", on page 8. I will repeat that - after the word "whether" - what I like to see everywhere struck out from 'not' to "advertised" and instead we add the following - 'must be advertised if no one being promoted to fill the post",

Section 27 (c) where it reads that the Commission decides" - now this again is in regards to advertising the post. I would like to see "if the Commission decides" struck out and the following inserted - "the Commission shall advertise locally" which would mean that section (c) would read "that the Commission shall advertise locally that the office " and not "should" and "shall" be advertised locally". Then we are giving discretion as to whether the job must be advertised or not if a person on the commission or the Chairman of the Commission decides it shouldn't be advertised then it would not be advertised, so I am suggesting that.

Section 27 (d) : on the third line after "overseas" I would appreciate some clarification on this because I am not certain of it, but I would like to see something inserted there in regards to whether he is already resident here, in which case his employment shall be the same as the local people entering such category. What I am really trying to get at, Mr.Chairman is

MR. JAMES M.RUTTER (CONTINUING): this, the way I read this, if a foreman may not have Caymanian status but residing locally and applied for the position and got it, that person then would have all the emoluments in regards to additional pay, housing, so forth and so on that we have to give to any other outside person that we bring in but if he is already resident here, in my opinion then he should come in in the same category as a Caymanian where, instead of him getting say $350 annum allowance he only gets the $50 or whatever it is that we allow for the Caymanians.

MR. JOHN JEFFERSON: I do note.

MR.JAMES M.RUTTER: Section 28: I must admit, Mr. Chairman, that in reading this, I was somewhat baffled because it appeared to me that these were drafted and then, as an afterthought, somebody objected the words that I am going to speak on in a minute, but the paper probably that it would'nt have been caught or that it wouldn't have been circulated but to see the words that I take objection to are at the beginning of section 28 where they were added in between section 27 and 28 in very small print "if the Commission decides that the office should not be advertised locally or if as a result of such advertisement there is no applicant". I am not quite pleased with that and I would like to see that completely struck out in completion and read that "as a result of local advertisement there is no applicant" and strike out completely from "if" in the first line so "or" on the second line where it reads "if the Commission decides that the office should not be advertised locally or". If we leave this in we would defeat the purpose that we have asked for the procedure in the other three different sections. Again, it is a small point, and Mr.Chairman, I hope that due consideration will be given to it.

Section 31 (3): On the last line I make a similar request as I did in the one before this, that after "Chairman" "or Governor" would be inserted, but I am quite willing to see Chairman okay if we have the assurance that it would be looked to you.

Section 34 (b): I would like, Mr.Chairman, to see this worded a little differently because I am not quite sure really what it means. It appears to me that we have got two scales of justice here in regards to pay scales and in regards to the wage bracket as to what the sentence should be and I have no amendment to offer to you other than if we could try to have some clarification on it as just what this means. Whether it means that a person say making $5,000 a year may be simply admonished because of something he has done, but if he is making $10,000 a year that he would be, lets say, disciplined and fired from the service. I am not sure exactly what 34 means so I crave the indulgence of the House on that one. And Mr.Chairman, I may assure members that I am not getting myself up as a lawyer and I haven't talked to anyone at all about this other than Haig and myself, as these are the submissions that I make. I thank you.

MR. JOHN JEFFERSON: I think they are good points, Mr. Chairman and I unite two cons.

MR.CHAIRMAN: Well, I think the position is that the honourable the Chief Secretary will be pleased to discuss these individual points with members before Regulations are submitted to the Executive Council.

MR.[illegible] JEFFERSON: I look forward to this, Mr.Chairman.

HONOURABLE MEMBERS: The trouble is I don't have a copy of the Regulations right here with me, so I am just making notes and the hard

HON. D. V. MYILES (NOMINATED) Sir, maybe I should answer on the one that the Member is referring to - SB - I don't have it with me, but as can discuss that afterwards.

MR. CHAIRMAN: Are there any further discussions on Clause 7

QUESTION PUT: AGREED: CLAUSE 7 PASSED.

TITLE: A LAW TO AMEND THE PUBLIC SERVICE COMMISSION LAW, 1970
QUESTION PUT: AGREED. TITLE PASSED

MR. CHAIRMAN: That concludes the study of the Public Service (Amendment) Law, 1975.

We now turn to the Public Health (Amendment) Law, 1975.

PUBLIC HEALTH (AMENDMENT) LAW, 1975

CLERK: CLAUSE 1; SHORT TITLE.
QUESTION PUT: AGREED. Clause 1 passed.

CLERK: CLAUSE 2: AMENDMENT OF SECTION 17 OF LAW 21 OF 1974.
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: A LAW TO AMEND THE PUBLIC HEALTH LAW, 1975.
QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a Law to Amend the Public Health Law, 1974.

The next Bill before the Committee is the Health Practitioners' (Amendment) Law.

THE HEALTH PRACTITIONERS' (AMENDMENT) LAW, 1975

CLERK: CLAUSE 1: SHORT TITLE.
QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2: INTERPRETATION
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3: SECTION 4 AMENDED.
QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4: SECTION 11 AMENDED
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: A LAW TO AMEND THE HEALTH PRACTITIONERS' LAW, 1974
QUESTION PUT: AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes examination of this Bill.

The next Bill before the Committee is the Radio Bill.

THE RADIO LAW

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT.
QUESTION PUT: AGREED: CLAUSE 1 PASSED.

CLERK: CLAUSE 2: INTERPRETATION.
QUESTION PUT: AGREED: CLAUSE 2 passed

CLERK: CLAUSE 3: REGISTRATION.
QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 4: ESTABLISHMENT OF ADVISORY COMMITTEE.
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: CHANGE TO FUNCTIONS OF ADVISORY COMMITTEE
QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6: UNAUTHORISED RADIO OR TELEGRAPH APPARATUS PROHIBITED
QUESTION PUT:

MR. JAMES M.BOOLEN: Mr.Chairman, I object to section 6, sub-section (1) (c) . This is very broad - it gives a lot of discretion and I am not quite sure exactly what the meaning is. I don't know where we should change any particular radio telegraph station or apparatus and I would think that the guide--lines as set down in this law should probably be large enough to cover anything that we have in operation and I think that that amendment section should be deleted

HON.A.B.BUSH: Mr.Chairman, I wonder if the Member might say what harm is done in this section?

MR. JAMES M.BOOLEN: Mr.Chairman, I wouldn't want to debate that it would take too long. It fills under the usual opposition line we have to discretion.

Hon. P.A Bell: It seems possible a man - he just doesn't have a licence,

MR. JAMES M.BOOLEN: Any section 6 (1) (c) establishes a censor system, if you want to go that far and call it. He could have certain people that would be known to get a permit under this law and then he may come taken as are already the Member by any his discretion and allow someone else to operate without having a license so I am strictly against this section. Mr.Chairman, I feel strongly that it should be deleted in its entirety or worded in such a way that this discretionary power is not left in the hands of any particular member. I am speaking in opposition but again I repeat, we do not know who will occupy these seats in 20 years' time.

MR. JOHN DIEFENBAKER: Mr.Chairman ,I would like to ask our Second Official Member if he would throw some light on just for me,

HON.J.V.MATHER: I would think that this particular Section would apply say. In an aircraft coming in. You may find an aircraft would have a radio on board, broadcasting, and as you expect each and every one of those that are coming in like that, so those are the kind of things that would happen in emergency, any broadcasting apparatus which down territorial waters would be breaking the law provided the Member did not have that power.

MR.CHAIRMAN PUTS: Mr.Chairman, if I am permitted, would the Committee like a broadcaster in general? Or any broadcast in general, within the limits of the Crown Colonies?

HON.J.V.MATHER: Yes.

MR. JAMES M.BOOLEN: Mr.Chairman, what the First Official Member has just said I could quite agree with very that that could happen in an emergency, well, in that case then if we could put "the establishment and installation" and just say "the use of a non radio or telegraph station or apparatus in a time of emergency we may face time to time to exempted".

In view of what I have said, Mr. Chairman, and so as not to prolong the deliberations I would formally move an amendment to the section instead of asking for the deletion and I would move the amendment in the following words -

HON. JAMES V.SCOTCHER (CONTINUING): That section 7 (2) after the word"use" and after the word "apparatus" appearing in the second line would be inserted "in cases of emergency".

MR.CHAIRMAN: I take it that the amended clause would now read, the proposal to amend would read as follows -
"the use of such radio or telegraph station or apparatus in cases of emergency as may from time to time be prescribed by the Minister", etc.

HON. MERRICK O.BRAKES: How are you going to use it if you don't install it, Sir?

HON. R.B.RUSH: To establish it?

HON. JAMES V.SCOTCHER: Very simple thing - we are following in quite the lines of what the First Official Member said and I hope we are not going to get into a verbal hassle or that sort.....I am only trying to work along with you....

HON. MERRICK O.BRAKES: With respect...

HON. JAMES V.SCOTCHER: Just a minute please. I would imagine that if we had an aircraft or a ship arriving in these waters, say in a case of emergency which this would have to be allowed, that it would have already been installed, I don't imagine that coming in to use one that has not already been installed that they'd have to install it after they get here.

HON. MERRICK O.BRAKES: Mr.Chairman,I would just call Members' attention to (2) that covers aircraft and ships.

CAPTAIN PEIN: In that case of a ship and it is war-time this must be some reason...

HON. JAMES V.SCOTCHER: Well, then why do we want this clause at all, if you think section (b) covers it in its entirety, then why do you want additional discretion in 6 (1) (d)?

HON.CHIEF MINISTER: Mr.Chairman, in spite of what the First Official Member has said, which I wrought, I'd really like to hear the Second Official Member in relation to that section,section (b)

HON.C.E.MILLINGTON: Well, Section (b) as it stands, Mr. Chairman, gives the Member power to exempt, from time to time, any radio or telegraph station or apparatus which, in his discretion, it/he should be exempted subject to such terms and limitations as he may specify. I don't know whether for instance, the Government Transmitting Station, when it comes into being, would be required to be licensed under this law, and that is one examination that I should imagine would be made under (c).

HON.CYRIL N.HODGSON: Well, if that's the only case that it would be needed, Mr.Chairman, I am sure that every Member in this House would be willing for the Government Section then to get their license automatically, and we think that it will go that way. I cannot take that as a good explanation.

HON.C.E.MILLINGTON: No, I am not saying that that's the only reason, the section as it stands there now gives the Member an absolute discretion in any case in which he thinks it is desirable to exempt any particular installation. I merely cited an example that I would imagine that the Government Transmitting Station

HON. C.E.MARSHALL (CONTINUING) would be exempted under such a provision, but it doesn't necessarily mean that it would only apply to a Government Broadcasting station.

MR.CLAUDE BILL: Mr.Chairman, I would like to ask the Second Official Member, what effect this would have on one that would be with a limited presence now, because we have quite a number of them with limited licenses at present. What effect would that have on those?

HON.C.E.MARSHALL: Oh those who.....?

MR.CLAUDE BILL: Regardless of a ship with a license or apparatus at a place or something, they have this license already, what effect would that have?

HON.M.M.SCHOLLY: Oh, that's covered.....

HON.C.E.MARSHALL: Those would come under (b), (b) applies to any mobile station of foreign country temporarily in or over the Islands which is covered by a valid license in the country in which it is registered. It may well be, for instance, that a station of foreign country - suppose a ship came in or an aircraft and for some reason or other the license issued in its country expired on that day, for instance, then under (d) the Member could exempt for the time that it was in the Island that particular apparatus from being licensed.

MR.CLAUDE BILL: Does that also apply to a local one here?

HON.C.E.MARSHALL: It would - it would apply to any apparatus which the Member considers to be a case for the exercise of this discretion.

MISS ANNIE E.BROOKS: The Broadcasting Station - would that be exempted under this law.

HON.C.E.MARSHALL: The present.....

MISS ANNIE E.BROOKS: The present Broadcasting station ....

HON.C.E.MARSHALL: No, they would have/have a license under the law.

MISS ANNIE E.BROOKS: Well, if that license had expired is there anything in this section here that would debar the applicants from making a renewal of that license?

HON.C.E.MARSHALL: Oh, no.

CAPT.J.A.READ: Mr.Chairman, every country in the world demands that every licence, every transmitting set in that country be licensed - they pay a license to operate - there's nothing wrong about it. If it is a transmitting set, they pay a license - like a Citizen-Band Radio - no one has a right to operate a ship-to-shore radio in this country or in either one of the Islands without paying the Government a registration fee. The same here in Bermuda, they would prosecute you if you ever went down port on a ship and used your radio - and in some countries, they lock it up, put a seal over it, stick a plaster over it and write on it and you dare not break it, if you do you are under a fine. People have laws to obey, they must obey them.

MR.A.BOUSH: but I think they operate under a license and...

CAPT.R.A.REID: Every ship has to have a license.....

MR.A.B.FOSH: Yes....

CAPT.R.A.REID: Every plane has to have.....

MR.A.B.FOSH: and if a foreign ship comes in here. ..

CAPT.R.A.REID: as far as issuing a license is concerned....

MR.A.B.FOSH: It must have a license for its radio in the country in which it is registered...

CAPT.R.A.Reid: In the old days in Jamaica you had to pay a license on the radio, you had the receiving set in your home.....

MR.A.B.FOSH: Well, we haven't got to that stage yet...

CAPT.R.A.REID: No, I know not.

MR.JOHN CHRISTIE: I don't see anything wrong with the section, Mr.Chairman, I am satisfied.

HON.A.B.FOSH: Mr.Chairman, I wouldn't like to see it say, even though it is the Minister which refers to me, I won't be the member all the time, but I wouldn't like to see in the statute that Cable Wireless would grow up and I imagine it is put there for some purpose. This is how I looked at it, that the Government Broadcasting Station would be exempted under this section.

MR.CHAIRMAN: Is there any further debate on this amendment? Well, I shall put the question that the words at the question we stand up on the original motion, that is that clause 6 do stand part of the bill. If that is negatived then we will proceed to the Honourable Member's proposed amendment to the motion.

QUESTION PUT: AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 6 PASSED.

CLAUSE 7 PROPOSED: MEMBER MAY GRANT SPECIAL LICENCES.
QUESTION PUT:

MR. JAMES A.BARDEN: Mr.Chairman, I make a similar submission under 7. Again it is dealing with discretionary powers and it seems to me we have already granted enough under 6 (1) (d) that I cannot imagine why it would be necessary to undergo it under section 7, so I hereby move that section 7 be struck out in its entirety and I am prepared just now it to go to a vote. Its not necessary for a debate

MR.M.K.DOOLEY: No,no, there seems to disagree.

MR.J.B.FLYNN: Mr.Chairman, may I remind the Member that this is not the only law in which special licences are granted by the Member. There are other laws as well.

MR. JAMES M.TODDER: Mr.Chairman, quite true, that's why I'm so afraid of it.

MR.M.K.DOOLEY: Mr.Chairman, as I see it, in section 6 this is an exception from needing a licence, in section 7 this is where the Member grants a special licence. I don't know that I don't suppose that it would ever happen that the Member would just grant a licence. It would have to be a special circumstance under which this would happen and I don't think under that section, this type of radio - there wouldn't be too many cases, as I see it where people would want to have permission to install radio and broadcasting, infringe station. I think there would be very limited, as far as I am concerned.

MR.JAMES M.BELLAH: Is the answer trying or asking for the AttorneyGeneral to rule, in the interest of all parties, I know that everybody is anxious to complete the bill and to get out of the House, so it is a time-gone conclusion that its late, so I am prepared for it to go to a vote, Sir.

MR.CHAIRMAN: Right, in that case we will put the question. That clauses 5 to stand part of the bill.

QUESTION put: AYES AND NOES.

MR.CHAIRMAN: Now have it.

CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT TO BE MOVED BY MR.SPEAKER TO SUBSECTIONS 6 AND 7, QUESTION PUT:

MR. CYRUS M.HARRIS: I take objection to 6, only, Sir, I cannot understand why this would be a penalty to have a station or apparatus that is not in working condition. So I would ask Mr.Speaker what section or apparatus is in working condition or not be struck out.

MR.M.K.DOOLEY: Mr.Chairman, I can see why this condition is put here because I think it is fair to say that one can be very likely, doesn't have to do very much to a receiving set, like pulling a tube or just removing - at the time station inspector could say it wasn't working, yet in just a first 48 seconds those parts could be replaced and it could be working. So I imagine that this is why it is put there to cover ... I am not all electronics oriented to anything but I know that in instances like this, it is not like a secondary that would take some time to put it back in to working condition. I think it can be put back into working condition readily and it can be taken out of working condition likewise easily, and may be this is the point why this is there.

MR. CYRUS M.HARRIS: Mr.Chairman, I am prepared to go to a vote, Sir.

MR.SPEAKER: The Honourable Lady Member has a point?

MISS MARY E.BERGER: Mr.Chairman I was about to ask if an ordinary radio would there be any restriction on that, for instance I just have an ordinary radio in my home, would there be any restriction on that that any licence or anything would have to be granted, under any part of this section.

HON.O.B.MADDISTON: No, amendment 2 covers the ordinary radio. It is exempt from the provisions of this law.

HON.A.J.BELL: The definition of radio, Sir, will tell you that.

MR CHAIRMAN: Does the Honourable First Member for Eveddin Town wish to press this amendment?

MR. JAMES M.MODECK: Yes, Sir, unless out Minister can explain if apparatus is in working condition or not, and just let it go on a vote, Sir.

HON.A.J.BELL: Mr.Chairman, I would remind the Members that this is a technical something and as the Member for West End said that one moment it could be working and the next moment it would not be working, because of the removal of a tube or something of the sort - this , I think , is a safe-guard rather than anything else to make sure that there is no one operating this type of equipment, or has it in his possession, because as I said, one moment it could be working and the next minute it could be out of commission, by his imagination.

MR.CHAIRMAN: Well, I will put the question that the words of the motion stand as in the original motion.

QUESTION PUT. AYES AND NOES.

MR.CHAIRMAN: I think the Ayes have it. I will put the question that Clause 8 do stand part of the Bill.

QUESTION PUT: AYES.

MR.CHAIRMAN: The Ayes have it.

Clause 8 passed.

CLERK: CLAUSE 9: DEALER TO HAVE LICENCE.
QUESTION PUT: NOTHING CLAUSE 9 PASSED.

CLERK: Dealer to have no private premises, question put,

MISS JOCELYN J.BRAZIER: Mr.Chairman, I wonder if the second Official Member would explain exactly what that means?

HON.O.B.MADDISTON: It means that anybody, other than a trader, or a person by the way of his business sells or exchanges or disposes of a radio or telegraph station or apparatus which requires a licence under the law must report the sale, notify the person authorised by the Minister of the transaction - it doesn't apply to an ordinary radio, it applies to the apparatus for transmitting.

MISS JOCELYN J.BRAZIER Thank you, Sir.

QUESTION PUT. AGREED. CLAUSE 10 PASSED.

CLERK: Clause 11 Presumption of Possession,
question put,

MR.JAMES M.MODECK: Mr.Chairman, instead of having an amendment under that, I would suggest consideration from the Second Official Member whether section 11 (2) as covered under section 12 to where the person, before entering a premise would have to have a search warrant.

MR.J.B.MACDONALD: The answer is no, Mr.Chairman, under subsection 12) a search warrant isn't necessary and subsection (3) is intended to give the inspector the right to go without having to apply for a search warrant. However the time taken in applying for a search warrant might very well nullify the reason for going in - he may have an ape in a trap.

MR. JAMES M.MCGRATH: Mr.Chairman, could we have them go underground to that exempting a person's private home if we are going to have premises, because premises could mean my place of business and I would agree may be to have it covered under these circumstances without a search warrant but ask into a man's private home, Sir, never.

HON.G.E.MACDONNELL: Well, it might be that that is the exact place where a person might keep an obliteration apparatus.

MR.JAMES M.MCGRATH: Well, Mr.Chairman, I think we are getting to where our laws are becoming nearly like a Republic...

CAPT.A.R.REID: Not in case of war, Jim...

MR. JAMES M.MCGRATH: ...we must think about the ramifications of this thing. You never, under this law, a person can be appointed, the Commissioner can appoint anybody as this officer. It could be anyone, remember that, but law doesn't specify, we just dealt with that in section 10, he doesn't have to have any particular qualities - he doesn't have to have any particular knowledge - so anyone could show up at your door, my door, a derelict in the morning - doesn't even have to tell you what he is there for or come right into the house.

HON.LEMUEL D.HENNESS: Mr.Chairman, I was a stranger with that, because I says an inspector shall be furnished with a certificate of appointment and on entering any premises, vehicle, vessel or aircraft pursuant to subsection (2) and when , it required to do so, produce the certificate to the person in charge of the premises,..."

MR. JAMES M.HORTEN: I hope that the Member pointing that out did not think that I had missed it, because I was going to cover that when I came to it. If that was enough I would be satisfied but it doesn't say that. Mr.Chairman, it says " and shall, if so requested". Again, what I was coming to that I had made an amendment here that it must be produced and I still feel strongly that a private dwelling house should be exempted from this. If there is somewhere that you can write it as being the place of business I would accept an amendment from anyone that can help me word it but I still feel very strongly that a person's private dwelling house should come under section 12 (3) where you have to have a search warrant.

HON.W.W.CORNELL: Mr.Chairman, I think a point was made that you could enter at any time or the night - I don't think that is so because it says here "at any reasonable time" and I think that this is covered, so it would be "reasonable time" would be not one and two o'clock in the morning - I am sure that the Court would not uphold that as being reasonable time and another point is this that if someone came up and there was any question as to the person entering, normally, the request for the certificate would be made. If someone came up and everything was friendly and there was no question, he wouldn't be required to produce it.

Personally, we have to protect the right of the home on the other hand, as the Second Official Member said, this might be the very place that the breach of this law is being committed and if there wasn't certain safeguards, then the law would be practically useless. Because all I would have to do if I knew that that was in the law, instead of keeping this apparatus in my shop, or my business place, I could just move it

MRS. M.Y.CORBETT (CONTINUING): In my house....

CHM. A.A.REID: You could put it in the freezer....

MR.JAMES N.LYNCH: Well, Mr.Chairman, it seems like we are busy, they seized at radios - I don't know what's going to creep over from this Island and watch for the sake of brevity I am prepared for it to go to a Week because I know, before I raised it, it would be lost.

MR.T.M.FARRINGTON: I would think,though, in the case of anything in a house, private home, that even though an officer might have power to do it, that a warrant should be executed,.....

MRS.MARIE EDWARD: Mr.Chairman, reasonable time is not defined in the Act so I suppose that could well be why time when the Inspector felt was reasonable for him, which could be mid-night. I would say that this could be answered very easily by saying that the Inspector may enter any premises other than a private dwelling house. I think that should be changed and should not be entered without a warrant.

MR.JAMES A.SNOBELEN: Mr.Chairman, we cannot tamper too much with these common-sense of justice that have been set up for thousands of years. We find ourselves in a position, like we found ourselves today, where we have been accused of a lot of the Locks because certain things had to come back before this House and I just have to see the wisdom of common justice that I am beginning to see and believe me, people outside of our country are also taking notice of it, Sir, and the old principle that a man's home is his castle is completely thrown out of the window when we continue to pass this. I think we have already dealt with one quite similar to this, one where Joe that gang that night and Mr.Chairman, I am getting afraid of it because we will soon have it then that you can come into a man's house anytime you want to, do anything you want in and there is nothing that is covered under it. So, I would like to be brief on this - I am quite prepared for it to go to a vote because I know it was lost before I brought it up, Sir, but one of these days we may get it changed. Thank you, Sir.

HON.PERRIN D.BEATTIE: The only point I would take, Mr.Chairman, if I remember the Scotch Warrants law correctly,although it said it would normally be executed between the hours of sunrise and sunset it may, in certain instances, be enforced at any time.

MR. JAMES N.SNOBELEN: That is quite true, probably, Mr.Chairman, but we are dealing here - is we just that you know there's little bit of contention in your voice, Sir. The necessity of the home just mean something, why do you build one? And you name remember one other thing coming under this - I think it is in this same bill that the warrant again is called for, is not made out in the name of the person that you are going to search - is made out to the Constable - now it might not be in this one but I think we dealt with it some place here in the last few days, so Mr.Chairman, I am the one that raised the point - I am quite willing for it to go to the vote, Sir, he says since, I know its lost, so I'll take defeat gracefully.

QUESTION PUT: ALL ARE AGAINST

MR.TRAVERSY: I think the Ayes have it.

CLERK: Clause 11 passed.

CLERK: CLAUSES 12 ENTRY AND SEARCH OF LIGHTSHIPS.

MR. JAMES M.DOOLEY: Mr.Chairman, this my family, Sir, I had another one today it (?), but I was thinking - you put on me the clock, I apologise.

QUESTION PUT: AGREED: CLAUSE 7 PASSED

CLERK. CLAUSE 8: MISLEADING MESSAGES AND INTERCEPTION AND DISCLOSURE OF MESSAGES.
QUESTION PUT.

MR.CLAUDE HILL: Mr.Chairman,I would like our two Second Official Members to have something worded in this section where in the event of a disaster we may have to revert to a ham or some local person to get a message sent through and we could find ourselves in a position where we had to take someone who is [illegible] but may not be able to send the distance required to get the message through, as well as may be might need beyond the distance required by you who is sending the message.

MR.JOHN ROBERTSON: I am wondering Mr.Chairman, if that section we dealt with a little while ago, section 6 (d) wouldn't take care of the same incident just like what he is talking about, exemptions. The Minister has discretion in 6 (d) so I would think that that would take care of the point Mr.Member was raising.

MR.CLAUDE HILL: Mr.Chairman, then again I see if we have a Second Member as he might have got hurt in the disaster he just may not send the message.

HON.H.E.BUSH: In it section 139 mail, there is misleading messages and interception and disclosure of messages...

MR.CLAUDE HILL: Yes, but the word "misleading" would have to be dealt with in a different form because he would be misleading, although he might not have a license ever, he might not be a licensed man ..... So, it was make-shift.

HON.A.D.BUSH: Now it says - Whosoever by means of radar or telegraphy sends or attempts to send any message which to his knowledge is false or misleading and is of his knowledge, likely to prejudice the efficiency of any safety service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress!!!!!! (b) Whosoever then in the course of his duty as a public officer, either - uses any radio or telegraph station or apparatus with intent to obtain information .... intercepting messages, this is what is meant...

MR. CLAUDE HILL: What is the point I am dealing on, Sir, obtaining information - as may require him to obtain it for us.

HON.G.T.MAYCOCK: I don't quite understand [illegible] Member is referring to, Mr.Chairman, I don't think that section 10 really has anything to do with what the Member is suggesting . Section 13 deals with people who falsely and knowingly sends misleading messages which might endanger the safety of vessels,etc, and (b) deals with a person who is endeavouring to intercept than in the course of his duty to obtain information as to the content sender or addressee of any message.

MR.CLAUDE HILL: But he could be doing this Mental.....

HON.G.T.MAYCOCK- Well, it be Good when he permits an officer

MR.CLAUDE HILL: This is being done in the event of a disaster.

HON.D.E.MACDONALD: No, this doesnt apply to a distress at all. that has nothing at all to do with disaster..

MR.CLAUDE HILL: No, but I am suggesting that in the event of a disaster you might find yourself having to use someone who is not licensed...

HON.G.B.MACDONALD: No !, that has nothing at all to do with section 13,that doesn't come under section 13, that would come under, as the Member for West Bay pointed out, come under section 6, a person would be using his apparatus without a license and unless he was exempted under (2) by the Banker he would be committing an offence.

MR.CLAUDE HILL: But we are speaking of misleading messages.....

HON.G.B.MACDONALD: ...misleading....

MR.CLAUDE HILL: messages...

HON.A.B.ROSS: right - you are misleading messages and also interrogating channels for information.

MR.CLAUDE HILL: We are dealing with misleading messages....

HON.D.E.MACDONALD: If you have an apparatus and you falsely and knowingly sends out a message to say that a vessel is in distress five miles off shore and calls the aircraft to go out and look for this vessel and wastes a lot of time, then you are committing an offence under (6.

MR.CLAUDE HILL: Right - but in the event of a disaster he could be considered misleading...

MR.JOHN JEFFERSON: No, I don't agree with you Mr.Claims, I can't see how in a disaster that it would be misleading...

MR.CLAUDE HILL: I have seen where searches have been made and the person in the search went in the opposite direction trying to find the boat because they had no direct communication, this "misleading" is what I am driving at...

HON.D.E.MACDONALD: well, that wouldn't be a case of knowingly misleading, the person sent out the message now I know , some so-honestly and, if there was somebody in distress and a person sent out a message to say there is somebody in distress but gave, perhaps, the wrong information.. knowingly, not knowingly, or with intent to mislead, that an offence would be committed . It says "who falsely and knowingly sends out a misleading message" - not a person who makes an honest mistake..

MR.JOHN JEFFERSON: no, you couldn't hold that against him at all, I couldn't see any how.

HON.W.A.MACLEAN: I don't know if that helps...

MR.CLAUDE HILL: I understand the Second Official Member, I quite understand what he has said but at many times this has happened and I just hope that it doesn't happen.

QUESTION PUT: AYES.

MR.SPEAKER: You have heard it.

CLAUSE 13 PASSED.

CLERK: Clause 14: WRONGFUL INTERFERENCE.
QUESTION PUT: AGREED. Clause 14 passed.

CLERK: Clause 15: DISPOSAL OF ABILITY STAND.
QUESTION PUT: AGREED. CLAUSE 15 PASSED.

CLERK: Clause 16: GOVERNOR may RESCIND CONTRACT, ETC, USE OR PROHIBIT USE OF STATION OR APPARATUS.
QUESTION PUT: AGREED. Clause 16 passed.

CLERK: Clause 17: GOVERNOR-IN-COUNCIL may MAKE REGULATIONS.
QUESTION PUT:

MR. JAMES MITCHELL: I object, Sir. I feel, Mr. Speaker and Sir - these regulations are very broad, Sir, the amount of regulations that would be passed under this would be too numerous to quote as the law itself and it does constitute a law which should be debated by the whole House and in regards to the examination and suspension of licences and so forth I would appreciate, I will not formally move any amendment to this, Sir, but I would appreciate assurances that before these Regulations take into effect that they would be tabled in the House. (pause)

Is the Government Bench willing to table the Regulations in this House?

HON. A.E.BOUGH: For information or for correction?

MR. JOEL JEFFERSON: As long as there is no secrecy, Mr. Chairman, I don't see any reason why any Regulation that is put out couldn't be circulated to Members before it is public. I am not saying that in instances where something needs to be done, that's a different story, but I think it would only be a matter of common courtesy that Members got the Regulations before they were put in the direct and this has been done sometimes recently and I hope that it will be done in such events at times when there might be an emergency.

MR. JAMES MITCHELL: Mr. Chairman, I am sure that the Premier can see where this could be a hardship we were lucky to have set a precedent today in having other Regulations brought to the House which I am sure that if the suggestions that have been put forward in these are adopted, it will help the Regulations tremendously and may be in future cases it might be easier where we could be of some little help rather than just being rubber stamps. And we would have at least a chance to see what is coming and whether we want to make an objection or not. I see no valid reason why this couldn't be done because we have operated all these years, without a really law and I am sure you wouldn't need one this Check. I can't understand the reluctance of the Government Bench as I mean to agree to this or two of the members are wanting to take the blame for allowing it - they keep passing it from one to the other one.

MR. JOEL JEFFERSON: Mr. Chairman, I am not quibbling and I don't want to start any quibbling, but I say this that I have exception to one member going because I don't consider myself any rubber stamp in this Legislative Assembly.

HON. A.E.BOUGH: Mr. Chairman, may I speak - what would be the purpose of this - is this for the purpose of members being worried of the Regulations, having the examinations before they are finally put before the public or is it for the Members to overrule the Regulations...

MR. JAMES MITCHELL: Mr. Chairman, what I am suggesting is, I don't know who was responsible for formulating the Regulations under the Public Service Commission or the Members - I take it, to be frank with you, Sir, that it was yourself and if so I give you much thanks

HON. JAMES M.MCDONALD (CHAIRMAN): Can doing so and I sincerely hoping that being a precedent had been set in that case, and as a Government we like to follow precedents once they are set, I would lean that in this particular case, then, being we have so many different conclusions that these regulations could be very broad and affective, I was hoping that before they would become law that they would be tabled in this House for the Members to have a chance to make corrections to these regulations before they actually become law. I don't think we are asking for too much and I don't see why the others once that were sent to us this morning if we couldn't see anything about them, because in that case we are just wasting our time all the way around , even the suggestions we made before probably have no strength then. So that is the reason,Mr.Chairman, I'd just like to see them tabled.

HON.A.P.HUSH: Mr.Chairman, as far as I am concerned, as the Member for this Bill, as far as I am concerned if the Members want to see the draft Regulations and Executive Council has no objection, it is all right with me. I mean, I don't think there is anything to hide in them anyhow, I don't think that Members can look upon the Governor in Council as making regulations that are going to be altogether unsuitable for the Island not in compliance with the law.

MR.JOHN CARTER: The point I was making was the fact that I thought it wasn't any more than an act of courtesy that Members did get the Regulation before they were put on the street.

MR. JAMES M.MORGAN: I am prepared to go to a vote, Mr. Chairman.

QUESTION PUT: AGREED TO and CARRIED.

MR.CHAIRMAN: I think the Ayes have it.

CLAUSE 17 PASSED

CLERK: CLAUSE 18. READ.
QUESTION PUT: AGREED. CLAUSE 18 PASSED.

CLERK: CLAUSE 19. READ.
QUESTION PUT:

HON. WINSTON H.BOOKER: Mr.Chairman, is not the figure $2,000 kind of a high fine, Sir and the imprisonment only six months - I know "not exceeding" it could mean from a $1 up to $2,000, but it is such a high fine which could be charged and a person have not exceeding six months. I would say the prison term should be more than not exceeding six months, not exceeding a year, twelve months.

HON.A.P.HUSH: I think that is a very up to point, Mr. Chairman, compared to the use of the fine the imprisonment could very well be not exceeding twelve months.

HON.M.M.COOKLEY: I would just like to make a point, this is a very broad coverage and we do find vessels, the interest coming into ports that do contravene these and usually the fine is much higher than the prison term because it is expected that the company would pay a fine and get out rather than the prison term. This might be one of the reasons why it is this way.

MR. JOHN JEFFERSON: It might be, Mr.Chairman, but I don't think still - I was going to say that as far as the penalty was concerned. $2,000 that's reasonable, we could go up to $300 now but what I am saying is that two years or six months against $2,000 doesn't quite balance.

HON.A.M.O'KOLLE: But it could be six months against $100 you know, it says 'not exceeding $2,000".

HON.MENSAH O.EBANKS: That's about equivalent to what a fellow was once paid would make it six months.

MR.JOHN JEFFERSON: Well, the law that were ever makes more than I would while I am up in here.

MISS JANET K.MOKLEH: Mr.Chairman, I would like to make a motion that this six months be deleted and instead "twelve months" - I don't know even if anybody will second it.

MR.JOHN JEFFERSON: I second that, Mr.Chairman.

HON.A.E.KNOX: We are not against that.

MR.CHAIRMAN: Well, the amendment proposed is that six months should be deleted and twelve months substituted.

MR. JAMES M.TORPEY: I do not have much to say on this I just wonder whether under summary conviction whether the Court does have power to go one year, because I think there was something inherent in the powers dealing with the successive conviction that was given to a certain person in a summary court.

HON.G.E.KREDIKUSUMAH: The summary court can impose a maximum sentence of twelve months.

MR. JAMES M.TORPEY: O.K.Sir.

MR.CHAIRMAN: Well, I will put the question first that the clause stand as in the original section and this will have to be defeated for Members wish to vote for the amendment. So the first question is that the words of the clause amend as in the original motion. Those in favour say Aye. Those against Nay.

MEMBERS: Aye.

MR.CHAIRMAN: The Ayes have it. The question now is that the clause as amended do stand part of the bill.

MEMBERS: Aye

MR.CHAIRMAN: The Ayes have it.

CLAUSE 19 PASSED AS AMENDED.

CLERK: CLAUSE 20: AMEND CAP.106 CAP 105 and of ACT 1 OF 1965
WITH SAVINGS
QUESTION PUT: AGREED- CLAUSE 20 PASSED

CLERK: Ins. SCHEDULE
QUESTION PUT.

MR.A. BAI FORMEH: Mr.Chairman, I have tabled two amendment to 6 (5) in the Schedule, the effects of this amendment would be to take away the two years from the Chairman and leave him with only a casting

MR. C. HAIG BOOTH (Hamilton): Yes. The amendment would read that the last two lines would be deleted and replaced with the words 'The Chairman or other person presiding shall only have a casting vote'. This would bring this law in line with the Health Practitioners' Law which we dealt with recently and in which the same amendment was made. Since the idea of giving one man two votes may with from eighteen hundred and seventy as was brought out clearly in the other debate, I think we ought to change this.

MR. JAMES M.SOOCOCK: And I have a further one on S 171.....

MR.CHAIRMAN: Could we take the first amendment? I am not still terribly clear re. the second Hon amendment.

HON.REGINALD O.EDMONDS: I think the Member is referring to S (3).

MR.CHAIRMAN: S 15? - Could the Honourable Member read out this substitution as he would like to see it amended.

HON.G.HAIG BOOTH: The Clause as amended would read -

> "the decision of the Committee who I be by a majority of votes, the Chairman or other person presiding shall only have a casting vote".

MR.CHAIRMAN: I suggest we debate this before we proceed with the second amendment that the First Elected Member for Waitemata West would like to propose.

HON.W.A.LANGLEY: Mr.Chairman, I don't feel strongly on this, Sir, but I would just like to point out that I don't think there is any comparison between this and the Committee of some other law that the Member mentioned. Surely this Committee is purely in an advisory position and I don't think that the Chairman, even if it were left, would be as in a statutory Board as such, but I have no strong feelings as it as far as that is concerned.

HON.DOROTHY W.ROBERTS: Mr.Chairman, even although this Committee is merely in an advisory capacity, nevertheless I think we should not give them too much lee-way and I feel that the Chairman should have one vote and that vote only.

HON. REGINALD O.EDMONDS: Mr.Chairman, I won't oppose the motion, Sir, but I do not really subscribe to the view that the parliamentary procedure that is applied in a Legislature or Parliament is necessarily always in the best interest of Committees working outside of Parliament. It is not unusual in public committees and Bodies of this nature for the Chairman to have an original and a casting vote, because contrary to the point made by the First Member for West Bay about parliamentary procedure in keeping the matter open, the decision in Boards and such, the desire there is to bring the matter to a decision, but, as I said, this will depend on the number of members and so on that are appointed, whether it is effective or not, but I don't think that we should be carried away, generally, by the principle that in Parliament, or parliamentary committees, a member should only have one vote and then extend this to Boards and so on, because it is not unusual in companies, for example. I think the desires in those cases are different. In Parliament, here the matter is such that it cannot be said that one member surrounded another through shareholdings in a board or a company the desire is to finalise the matter, it should not be left hanging in the air.

MR.J.W.FORBISTER: My reply to that is this, whether in parliamentary committees or parliamentary procedure, as the member is referring to, or whether it is a [illegible] - but for instance it may be a Committee that was twelve members and on that particular day that this matter is being heard, there might be only eight and of course in the Chairman, whoever he is, has a casting vote as well as an original vote, then it would affect the whole works completely. I don't think in any kind of a committee whether its a parliamentary committee or not that there should be any who can cast a tie by his original vote and then un-tie that vote by his casting vote. That's my view of it.

MR.JAMES K.BODDER: I subscribe to that, Mr.Chairman, because if we are going to weaken the cause of democracy - we certainly wouldn't have it the other way with him being able to make this tie and then use the vote to break it too and in regards to other Courts we are responsible to the electorate of this country and it seems like these Boards have very very wide powers, subject to the Writ Proper. Mr.Chairman, I think that the member speaking awhile ago he would rather or be fair in so against it, which is opposed to be what he was against. I and I still feel strongly that the Chairman should not have this vote. I would hope that we would put it down to only one.

HON.BENSON O.HANNAH: Mr.Chairman, as I begin, I have no strong feeling on this but I would just like to point out to Members that this is an advisory committee. If the Member refers a matter to the Committee for advice he expects advice - in other words, he expects an answer from the Committee - he does not expect to be told that we had a tie and the Chairman cast his vote to keep it open until next year.....

HON.A.S.MACKLING: That's true.

HON.BENSON O.HANNAH: And in private companies I speak without fear of successful contradiction that it is obvious.

MR.J.W.FORBISTER: Mr.Chairman, may I ask the Member if he considers this within the realm of parliament, this particular bill which we are working on now - I mean we're speaking about privacy -

HON. BENSON O.HANNAH: Its not an issue before our concern.

MR.J.W.FORBISTER: Whether he would consider this a parliamentary committee or what was of he considered it. I don't know unless it is a private committee - I wouldn't - definitely - and therefore I feel very strongly that as Chairman or other spokesmen we privileged to have an original vote, which becomes a tie, and then break that tie by a casting vote. I think it is all wrong in principle from beginning to end.

MR.JAMES K.BODDER: Mr.Chairman, in that section I wrote I have placed a question mark and I must agree that we can should be able to secure a retraction - naturally he would have to write how he voted in the first instance or he would be a fool - and I feel now we shouldn't let little quibbles make up every law. As I will say, this is only in an advisory capacity, the advice may, or may not be taken, like the Public Service Commission bill which we have - law now. We had a very strong document, it was a force, it was only done to appease a few of the mill. I feel, Sir, that this decision of the Committee shall be by majority of votes, the Chairman or other person presiding at a meeting shall have a casting vote and a deciding vote.

MR. C. MACK WARNER: Mr.Chairman, this is a Committee of a parliamentary procedure doesn't matter, the principle is wrong. Today we have had two clearest examples of where we departed from the normal principles, and I would expect that Hansard should be scared of the flies.

I will not argue this any more but I will promise that if it is passed as it is, I'll bring it back as a motion to the House whether when we have time - this has been a very long day. I would like to see it changed now without a long debate on it later on.

HON.A.B.JONES: Mr.Chairman, the fact that this committee is only advisory, I don't think it would matter one way or the other, how many votes the Chairman has. I think it would give the Member comprehensible a much clearer view of the feelings of the Committee if the Chairman used both of his votes, so I don't think that it would, in any way, prejudice anything as far as the law is concerned, being the Committee is only advisory.

MR. JAMES M.SHERRY: What the Member is saying then is that he would like to see this put in such a way that he could get a mixed opinion, Sir. If you are going to have two men with two votes.

HON.R.B.BURT: No, Sir - I think it would be a stronger case for the Member to look at it, that something wasn't wanted that the Chairman voted on.

HON.BENSON D.CRAVEN: Mr.Chairman, what would be the position if the Committee comprised of five members, plus a Chairman and they were divided three to two and the Chairman was disposed to vote the way the two Members voted? By using his casting vote he would only die, and the Committee would be deep-locked.

MR.G.MAURICE DORSEY: Sir, Mr.Chairman, the first time says that the decision of the Committee shall be by a majority of votes, so if they were divided three two there would be no need for the Chairman to exercise any kind of vote.

HON.BENSON C.CRAVEN: Yes - I agree with you there.

MR.JAMES M.SHERRY: Section 3 - covers that because it says "shall not be less than three nor more than five". We couldn't have five members, plus a Chairman, Sir. (A MEMBER SPEAKING - but it MIKE..) It doesn't make any difference, it can't be less than three and it can't be more than five and one of that number must be the Chairman.

MR. JOHN CORNELIUS: Anyway, Mr.Chairman, let's put it to a vote. Let's settle it.

MR.CHAIRMAN: Is there another suggestion for amending the schedule, or is that....

MISS JANET K.JACKSON: Mr.Chairman, there is just one question - no long debate, Sir. The appointment of a member of the Committee who is subject to the provisions of this Schedule, be for a period not exceeding five years. Is that too long or too short?

HON.M.M.CONOLLY: As I see it, Mr.Chairman, the constitution of this Committee - they are purely technical people, they are not people that you can probably get around and change the Committee every year or such - we might be obliged to keep them and looking at it from that point, as far as the number right now of people in radio recognizing , those that have practical experience in frequency management and utilization

HON.M.M.MCKENZIE (CONTINUING): or the radio frequency spectrum, I would think that we might have to keep or members of the Committee for quite a long time.

MISS MARIE J.MACKINTOSH: Mr.Chairman, that is exactly my question - I am asking is whether the three years is a long enough period or you need to put it at five.

MR.JAMES M.DOUGLAS: They will stay there till the Coin Keeper rises.

MR.T.W.FARRINGTON: (Mike not switched on)

HON.M.M.MCKENZIE: No, but if he appreciate anybody is here or he is what I say... .

MR.W.M.FARRINGTON: (MIKE NOT TURNED ON)

HON.A.D.RUSS: You are saying the Member can't sit by himself?

MR.T.W.FARRINGTON: ....an original vote and that original vote creates a tie, then we allow him to have a casting vote..... it couldn't be right as unless you put it.....

MR.CHAIRMAN: Well, the question is that the Schedule do stand part of the Bill, but as there is an amendment I have to put that the words of the question stand as in the original motion. If people are voting for the amendment then they negative the original vote. So the question is that the words of the question stand as in the original motion. Will those in favour please say Aye -

ONE MEMBER: Aye

MR.CHAIRMAN: Those against No.

MEMBERS: No.

MR.CHAIRMAN: I think the Noes have it. The next question is that the Schedule, as amended, do stand part of the Bill,

MRS. JAMES M.BOOTH: Mr.Chairman, I have one point. I don't quite understand what this is because it says the validity of the proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof. Now whether that vacancy is in reference to the vacant seat to make up a quorum or whether it is a vacancy that has been created on the Board for a long, whereby has not been appointed to it - I don't know which way it refers to, but the thing that bothers me about it is that it does say that anything this Committee does is not subject to any of this law, if there has been a defect in the appointment of that Board, of that Member or that Board, so, Mr.Chairman, I could not agree that we should legislate this entire Bill by specially having this section into it, because we are circumventing the cause of something that is wrong, so I respectfully request that Section (7) be do stood in its entirety.

MR.CHAIRMAN: This is Clause 8 (7) is it?

MRS. JAMES M.BOOTH: Yes, Sir.

HON.M.M.MCKENZIE: Mr.Chairman, I think this is a common practice - I believe our Constitution carries similar words to this effect and once a Board or a Committee has been constituted, because

MR.CHAIRMAN: Shall only...

HON.A.E.BOSH: Shall have a casting vote only.

HON.C.E.WEDDINGTON: "only" after vote.

MR. JOHN CARMICHAEL: So, Mr.Chairman, you are adding everything prior to "Chairman"..

HON.A.E.BOSH: "and in addition or as original motion" is being deleted

MR.CHAIRMAN: The words "and in addition to an original vote" are out, a new sentence - "The Chairman or other person presiding at a meeting shall have only a casting vote". Well, that's the amendment that was carried before and I shall put the question that the Schedule, as amended, do stand part of the Bill.

MR. JAMES M.ROCHE: Sir, Mr.Chairman, I had a motion - 8(5) has already been carried. Are you putting the vote on the entire section 8 ...

MR.CHAIRMAN: I understood the Member to say that he was withdrawing, that he was going to bring the matter as a motion...

MR. JAMES M.ROCHE: Oh, no, no..... I want it to go as a vote, Sir.

MR.CHAIRMAN: Right. Well, I shall put the question that the words of the question stand as in the original motion, the original motion being the Schedule as amended.

MR. JAMES M.HICKMAN: No, Sir, we would have to vote on 8. (7) because I am in favour of what has gone on before...

MR.CHAIRMAN: Yes,...

MR. JAMES M.ROCHE: ...as I would not be in favour of 8 (7) as that would negative my vote, I couldn't vote one way or the other on it, so I would respectfully ask that we have a vote on sub-section (7) of section 8...

HON.M.P.CONNOLLY: But do you have a motion - what is your motion on it...

MR.JAMES M.HICKMAN: Yes, Sir - my motion is that sub-section (7) of section 8 be deleted in its entirety.

HON.M.P.CONNOLLY: Oh, no, you have no motion on that.

MR.CHAIRMAN: Well, I think for the sake of clarity I will put that as it stands, a straight vote on whether section 8 (7) should part of the Schedule. All those in favour say Aye

MEMBERS: Aye.

MR.CHAIRMAN: Those against Nay.

SOME MEMBERS: No.

MR.CHAIRMAN: The Ayes have it.

MR. JAMES M.ROCHE: For posterity sake I would like for me just to record those who voted against it so I would record mine.

HON. A.R.BUSH: You mean who was for it?

HON.E.K.WHITLER: What is this now?

HON.G.C.MATTHEWSON: I take it that the Member is asking for a division?

HON.A.P.PUSH: Yes.

HON.E.K.WHITLER: Just like in...

MR. JAMES H.HODDEN: I was doing it much simpler than that because I think it was only two of us who voted in favour of it, which would have been Haig and myself.

HON.E.K.WHITLER: This is the motion as amended with Section 5 amended ....

HON.A.B.ELLIS: Seven...

MR.JAMES H.HODDEN: I take it, Mr.Chairman, you've put what put the question. Our Sub-section (5)

MR.CHAIRMAN: The motion was Section 5 (7) should stand part of the Bill.

HON.E.K.WHITLER: 5 (7)? Right, Sir.

HON.A.R.BUSH: Section 5?

MR. JAMES H.HODDEN: If you people don't wake up some time we gonna win this 5 (7).

D I V I S I O N

AYES	NOES
Hon.E.K.Whitler	Mr.James H.Hodden
Hon.G.C.Matthewson	Mr.C.Haig Hodden
Hon.V.G.Johnson	
Hon.A.R.Bush	
Hon.Mayor Dexter	
Hon.Thomas G.Banks	
Hon.K.M.Cowley	

CLERK: YEAS/NAYS?

MR.F.M.KAUFMANN: I am afraid I don't quite understand what it is about, so I abstain.

Mr.John D.McPherson
Miss Annie M.Hodden

MR.CHRIS HILL: Abstain

MR.JOHN CHURCH (ELDORADO): Whatever you say - you obtain? Capt. Gold Bay, hey.

HON.A.R.BUSH: They can't disagree with sections 9 and 10.

HON.THOMAS G.BANKS: Capt.Wynn - he gone?

HON.W.A.GORMLEY: Yes, Capt. Gold Bay, man, he got to catch the bank, he have a cheque in his pocket.

MR.CHAIRMAN: The remainder of the division was 6 - 2 in favour of amending Clause 5 (7) of the ordinance. I shall first put the question that the Schedule, as amended, that is the amendment

MR.CHAIRMAN (CONTINUING) Is section 4 (5) do stand part of the bill. Will all those in favour please say Aye.

MEMBERS: Aye.

MR.CHAIRMAN : Those against No, the Ayes have it.

HON.G.B.KADDINGTON. Mr.Chairman,before we proceed the bill may I go back to clause 13 and point out a slight re-arrangement of the last line - clause 13 (b), last line, the words "is guilty of an offence" should be extended out to the left margin because that applies to (a) and (b) and not just to (b) alone.

MR.JOHN JEFFERSON: Mr.Chairman, I am afraid I didn't quite get that...

HON.G.B.KADDINGTON: The words "is guilty of an offence" at the end of clause (b), the very last line - do you see the words "is guilty of an offence"? (pm. JOHN JEFFERSON: Yes.) Those should be removed and extended out to the extreme left margin, in the next line because those words apply to both (a) and (b), they are not just to (b) alone.

MR.JOHN JEFFERSON: Is guilty of an offence?

HON.G.B.KADDINGTON: Is guilty of an offence.

HON.P.A.RUSH: That would be a full-stop at present

HON.K.D.MACDONALD. No, just a comma after "person" then "is guilty of an offence" is out in the next line and extended out, just above the (a).

MR.CHAIRMAN: Is there any object to that slight alteration - typographical allocation?

CLERK: AND REPEALS A LAW TO INVALIDATE CERTAIN PROVISIONS OF THE CONTROL LAW, 1965.

QUESTION PUT: AGREED TO.

MR.CHAIRMAN: That concludes proceedings on this Public Law.

The House will now move into Full Assembly

RISE AND REPORT

MR.PETE WRAY: Could we have the bills reported out of Committee?

THE PUBLIC HEALTH (AMENDMENT) BILL, 1975
REPORT RECEIVED

BY HON. ARNOLD DUMBRILL

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

THIRD READING

MOVED BY HON. ARNOLD DUMBRILL
SECONDED BY HON. D. V. WHITE
QUESTION PUT: AGREED: BILL READ A THIRD TIME AND PASSED.

THE HEALTH PRACTITIONERS' (AMENDMENT) BILL, 1975
SECOND READING

BY HON. BENSON O.EBANGE

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

THIRD READING

MOVED BY HON. BENSON O.EBANGE
SECONDED BY HON. D. V. MUTILO
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

THE NIGERIA EXPORTS (TEMP.) BILL
SECOND READING

BY HON. BENSON O.EBANGE

MR.PRESIDENT. The bill is accordingly set down for Third Reading.

THIRD READING

MOVED BY HON. BENSON O EBANGE
SECONDED BY HON. D. V. MUTILO
QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1975
SECOND READING

BY HON. D. V. MUTILO

MR.PRESIDENT: This bill is accordingly set down for Third Reading.

THIRD READING

MOVED BY HON. D. V. MUTILO
SECONDED BY HON. G. K. WANDINGWA
QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE RADIO BILL
REPORT STAGE

BY HON. A. G. MUNA: Mr.President, Honourable Members, I beg to report that a Bill entitled THE RADIO BILL was examined by this House and passed with the following amendment -

(a) On page 9 section 13, "is guilty of an offence" was removed from its original position and placed out in the margin.
(b) On page 11, section 19 - Final - the words "six months" were changed to read "twelve months"
(c) On page 13, an amendment was made to sub-sect.on (2) of section 6 of the Schedule and it should now read - "The decision of the Committee shall be by a majority of votes. The chairman or other person presiding at a meeting shall have only a casting vote".

MR.PRESIDENT: The amendments to section 13, 19 of the bill and section 6 (2) of the schedule are noted and the bill is accordingly set down for the Third Reading.

THIRD READING

MOVED BY HON. S.E. BUSH
SECONDED BY HON. D. V. MUTILO
QUESTION PUT: AGREED: BILL GIVEN A THIRD READING AND PASSED.

MR.PRESIDENT: Perhaps the Clerk would read the titles of those five Bills.

CLERK: THE PUBLIC MORALS (AMENDMENT) BILL, 1979 THIRD READING
THE LEGAL PRACTITIONERS' (AMENDMENT) BILL, 1979 THIRD READING
THE STAMPS REGULATION (AMENDMENT) BILL THIRD READING
THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL, 1979 THIRD READING
THE RADIO TELEVISION THIRD READING.

MR.PRESIDENT: Do Members wish to proceed with the two motions that are left

MISS ANNIE H.BODDEN: I was going to ask that, Mr.President, because I have to be in the Tribunal on Monday morning at 9.15 - I would like to have this thing finished, if possible, this evening.

MR.A.H.MCLEAN: Hear! Hear!

HON.G.HAIG BODDEN: Mr.President, I can assure you we are not offering any objections to the two motions, as I believe we can conclude them.

MR.PRESIDENT: Very well.

GOVERNMENT MOTION NO. 1 FOR THE EXERCISE OF THE GOVERNMENT'S RIGHT TO SUBSCRIBE FURTHER TO THE CAPITAL STOCK OF THE CARIBBEAN DEVELOPMENT BANK

HON.V.G.JOHNSON: Mr.President and Honourable Members, the motion deals with the increase in the capital stock of Caribbean Development Bank, an institution of which the Cayman Islands Government is a member.

The Bank at one of the meetings last year passed a resolution to increase the capital stock of the Bank from the present authorized capital stock of $50M which, at present is comprised of $25M in issued shares and $25M in callable shares. This stock to be increased by $50M to make a total authorized stock of the Bank of $100M.

The reason given by the Bank for this increase in its capital stock was in order to enable the institution to provide additional backing for borrowing by the Bank which was very essential at the present time as time went on demands on the Bank increased, institutions were in need of assistance, that is financial assistance for projects in various sectors and the Bank, which is serving as a regional financial institution is making every endeavour to assist as much as possible. But in order to go to the big institutions outside of the region to attract the sort of funds which the Bank needs at the present time, it has got to show that its capacity to back its borrowing is quite substantial and for this reason the Bank has decided to increase its regional stock, but this additional $50M will only be an callable stock which will not be issued unless the need arises.

As I said before, the present position of the present capital stock of $50M the Bank has issued so far only 50% of this stock. The 50% or the share which the Cayman Islands Government has contributed to or is contributing to as a sum of $62,500 C.I.$, the total amount is $125,000 which is 25 shares at $5,000 each. Those shares were issued in 1969 to cover a period of five years, in other words, the annual subscription by this Government was at the rate of $ 2,500 plus per annum.

The Bank, in proposing this increase in capital stock, has suggested the motion which is before us - it is a model motion which is used by all Governments. It was sent to us and we were asked to put it before our Legal Department for their advice as to whether this would fit the need of the Cayman Islands Government and the Legal Department ruled that it would, and therefore

HON.V.C.JOHNSON (CONTINUED) the motion was presented to the House in the form we received it from the Bank.

The motion itself is set out in detail, on page 2, members will see how the shares are divided. The $92M will be divided among these shareholders as comprises in Eighteen thousand four hundred shares at $5,000 (C.I.) per share, but, as I said before they are only callable shares and nobody will be asked, at the present time to make subscription to any portion of these shares.

The motion is straight-forward and given in detail and so there is very little more which I can add. It has been examined in great detail in all its perspectives and nothing is seen objectionable to the recommendation and so I will ask this Honourable House to give its due consideration to the proposal contained in the motion. Thank you, Sir.

MRS. J. V. WUTLER: Second.

MR.PRESIDENT: Well, the question is that the motion standing in the name of the Honourable Financial Secretary, attached to Tuesday's order paper should be approved. I shall read out the Resolution section which summarises the content of the motion -

> BE IT RESOLVED THAT the Government of the Cayman Islands exercise its right to subscribe to forty four (44) callable shares of the Capital Stock of the Caribbean Development Bank and that the Financial Secretary be and is hereby authorised to pay to the Caribbean Development Bank out of the General Revenue a sum not exceeding $220,000 in terms of United States dollars at the weight and fineness in effect on 1st September, 1965 in respect of such shares in such instalments and at such times as the Board of Governors of the said Bank may determine.'

The motion is now open for debate.

MISS ANNIE EBANKS: Mr.President, and Members of this House. I can only hope that our Government has the money to turn in, because it is a good thing for us to have this facility from this Caribbean Bank and any time we want something we should be prepared to give something to get what we want, and I have no objection to it whatsoever. Thank you, Sir.

MR.PRESIDENT: Does the Honourable Member wish to reply?

HON.V.C.JOHNSON: Mr.President, not really, Sir, only to say that of the $92,000 that this Government has contributed to the equity of the Bank which is a form of investment by this Government, we have received much benefit from the Bank already because as Members would have seen and heard, the Bank has now approved of a loan in the sum of $2.2M for the Bank's project and the greater portion of this loan is a "soft" loan at the rate of 1% payable over a total period of approximately 20 years, so I think this is of great advantage to this Government.

Another application is before the Bank in respect of the Airport Development.

Mr.President and Honourable Members, I recommend the motion as it stands.

QUESTION PUT: AGREED GOVERNMENT MOTION NO.1 PASSED

GOVERNMENT MOTION NO.21 FOR THE ENDORSEMENT OF THE DATE FOR THE PRESENTATION OF THE DRAFT DEVELOPMENT PLAN TO THE LEGISLATIVE ASSEMBLY.

HON.P.G.JOHNSON: Mr.President and Honourable Members, I beg to move Government Motion No.21. The Motion, Mr.President, which I will read since it is short, reads -

WHEREAS on the 11th December, 1973 this Honourable House passed a Resolution that the Development Plan which is required to be produced by the Central Planning Authority and approved by the Legislative Assembly in accordance with the provisions of Section 6 of the Development and Planning Law 1971 be presented to the Legislative Assembly not later than the 30th June, 1975

AND WHEREAS because it was necessary to extend the time for public viewing of the draft Development Plan it is now no longer possible to have the Plan ready for presentation to the Legislative Assembly by the 30th June, 1975

BE IT THEREFORE RESOLVED that the date for presentation of the Draft Development Plan to the Legislative Assembly be postponed from the 30th June, 1975 to a date to be fixed by the Executive Council following completion of the enquiry of the Appeals Tribunal into the public objections and comments regarding the Development Plan.

HON. D. V. WATLER: Second.

HON.P.G.JOHNSON: Mr.President, Honourable Members it was necessary to delay this motion by time lines because as was stated in the first paragraph of the Motion, and as Members will recall very well, in December, 1973 this House directed that the Development Plan which is required under the Development and Planning Law, should be presented to this Honourable House not later than mid-1975. Although it was fairly quite agreeable depending on the sort of Development Plan which one would expect to be prepared, nevertheless Government went about establishing the machinery to produce this plan and to meet the wishes of the Honourable House. Government was very well, pretty well on the way to meet the deadline, however, because of the need to extend the time for public viewing and even though the time extended was only two months, the extension of that time has an intoxicating effect on the entire programme and economy it was impossible to have the plan completed and presented to the Assembly at this meeting, according to the schedule the plan would have been presented at this meeting.

With the number of public objections which have been received it is difficult, under the circumstances, to determine the exact time the Tribunal would require to deal with these and since there was no need or there was an effort on the part of Government to set any schedule or programme for the Tribunal in dealing with these matters, it was thought that the process should follow the normal course and when the Tribunal completes its task then the decision would be taken now the presentation of the Plan to the Legislative Assembly. Therefore it is difficult to name a date and I think it is reasonable to put this decision in the hands of His Excellency the Governor. I therefore commend the motion and ask this Honourable House to accept the recommendation which is put forward in the Sessional Section.

MR.SPEAKER: The motion is now open for debate.

MR.JAMES M.BODDEN: Mr.Speaker, for brevity sake, we have agreed not to oppose, although we were quite prepared and willing to do so and I would only like to make - I am caught in a dilemma, Sir. I am supporting myself and I imagine, under the rules of order, if it is attacked, I would not be able then to defend it, but I will take that chance by saying that we feel strongly that the date should be set. Leaving it in complete discretion is leaving a wide open thing, and the next thing we would like is an assurance that decisions under this Plan will not be made under any application

MR. JAMES M.DOUGAL (CONTINUING): What is before the Board I hope we found out it was not in the case of the previous Plan. If we could have some assurances on these things, Sir, I could be willing to go along with this, and, as I said, I have exposed myself, I was ready for a very long debate on this, and I am hoping that the Members will take what I have said in the spirit in which I gave it and hoping that we can have those assurances from you that the Plan will definitely not be here for decisions, number one, and number 2 that you will try to set a date within six months of today to bring this back to the House. If we could have your assurances on that I would be quite willing not to debate this Bill, Sir.

MR. JOHN MONTAGGON: Mr.President, I would hope that we are going to have Mister Lovell in for an hour (??? , M.P.DUGAL: Yeah - you are going to debate it long?!

In relation to Government motion No.2 the extension of time, in relation to the Development Plan being presented to the Legislature I am in complete agreement with the motion. I felt all along but certainly there was no reason to panic in relation to the Development Plan. I know a lot has been said and certainly a lot more will be said, but I am glad that the motion before us today, the resolve section BE IT RESOLVED that the date for presentation of the Development Plan to the Legislative Assembly be postponed from June the 30th, 1975 to a date to be fixed by His Excellency the Governor following the completion of the enquiry of the Appeals Tribunal into the public objections and enquiries regarding the Development Plan.

I am happy to see that - I wouldn't think it would be responsible of us, coming here every few months, asking for an extension of time but the motion as it reads , so far as I am concerned is in its proper form. It means that whenever the objections have been heard, whenever all the appeals have come before and been dealt with and an additional presentation to the plan has been made, ready to be made then the Legislature will have that package in its hands.

Mr.President, I know that the Development Plan in any country is always a controversial thing, but let me say this, I believe that we are far better off with one than not having any at all. There is a dire need for the Plan and I welcome the extension of time and I am glad that it is indefinite, instead of a fixed date and I look forward to the Plan being presented to the Legislature and in due course we shall do whatever is necessary to be done with it. I thank you very much.

MISS JOANNA A BOOTH: Mr.President, I rise to support this motion. There is only one stipulation that I would like to make, Sir, and it is this. I am not very happy with the Planning Board, I might as well tell you the truth, because there is a lot of discrimination. That might be if I am out of order, please correct me, Sir: - I have seen eight huts in this Central George Town, a huge, high cement fence around property, which I feel the Planning Board did not use its powers, discretion or whatever it was to correct. I have a client who lives in the interior of George Town a Miss Little/Smith who had to pull down. Now, Mr.President, this plan which we now have, I am happy to hear of the extension and I hope that the time will arrive before the end of 1976 that I can have a say into it before I get out of the Assembly. If it takes a year to get this thing right, let us get it right. We cannot rush something like this and I feel, Sir, the matter being left in your good hands, you will see that there is not any undue delay in getting it to the place where we shall have the privilege of checking on it.

I am happy because of the extension, Sir, and I feel that with due consideration of all the points that have been raised that we shall, eventually, get the Plan, not all that we want, because God Himself cannot satisfy us, but we shall get something very reasonable that we can work on and I am very happy. Sir that this privilege has been arrived that the Plan will be, the time

MISS ANNIE H.[illegible] (Continuing) will be extended so that Members may be dealt with this Plan will have ample time to do what is right in the matter. Thank you, Sir.

MR.[illegible] Mr.President and Honourable Members, I rise in support of this motion No.7 and I have great confidence in you and the Draft Development Plan. The date fixed by you - 31 June will be done speedily and I do not think that anyone should panic even if it was brought here today.

I welcome the promise of how the extension of time has been given and I trust that you, with your guidance, will do what is right for us in these Islands. I thank you, Sir.

[illegible] Mr.President and Honourable Members, it gives me great pleasure to associate my approval of the postponement of the Plan. I hope that that would indicate that they are going into it thoroughly and making the necessary changes before it comes back to this House that we don't have to argue too much here, because there were things in this Plan that were capable of ruining the economy of this country, or that part that comes from land. I don't think we could ever sell ourselves down if that Plan had been allowed to go through and when one or two people speak out against something you can disagree some of it, but when the whole nation or the whole country speaks out against it, then, by God something is wrong. And there are so many things I see wrong that I see dragging us in the gutter fast, that I feel that I've got to tell you about something this morning and if I am out of order you will have to tell me. But I'd like to tell you something.

I have been working - wealthy people come to this country - people that I know that can do this country some good. There are three particular people, they were selling their big estates in Jamaica and they have succeeded and they are prepared to come here. And three people I know were in building at least one hundred thousand dollar homes, the three of them and they have been told - I just got the information fifteen minutes ago and I nearly dropped dead! Jaw hanger. I've been told, they give them three months, give - that - stupid Senator you've got there - that stupid Executive Board - to wait three months - anyone we can tell you. Tell you what? When the carpenters and the building industry is begging for work - begging for work - what are you going tell the man to wait for? Tell him, come, speak, for God's sake; and build a house, that's what you should tell him.

Now these are people of my choice, people that I have spoken to "What are you going to Canada for? Come to us, man, you can live, as cheap as we are - you can live on the income tax you will save". They are not beggars, but they let a no-good parasite walk all the plans; today and tomorrow he is employed to somebody and I can tell you that happened last week, one man came in here on the plane on Wednesday and by Friday he was employed to Kelso Cash.

Now what am I trying to do? Much myself to death trying to get people to come here and then the Planning Board, the Cayman Preservation Board will tell them "Oh, wait there maybe before we can give you an answer." What for? They are not getting married to anybody.

Mr.Speaker, Sir I'd like to make that off the record - that House - I'd like to go over there tomorrow and abolish it. Because I see it doing nothing but interfering with progress. I get to my in better time to discuss this, but I'll discuss this at further length another time.

I agree with the extension for this Development Plan.

HON. V.C.Jogasuria: Mr.President, I want to thank Members for their support of this motion. The point which was raised by the First Elected Member for Golden Grove is something which we investigated before the motion was prepared. That is the setting of a specific time for the presentation of the Plan to the Legislative Assembly. After discussing the matter with the Magistrate especially who is Chairman of the Tribunal, the indications were that the Tribunal could take anything from two to three, four months to complete its work in examining all these objections and therefore it would be wrong to tie the hands of the Tribunal to complete this work within a specified time and thus the reason why the motion had to be worded in this manner. I am sure that Members can see the wisdom in it and I hope that they will all agree to let it remain in the form that it is presented.

I recommend the motion, Mr.President.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO 2 PASSED.

ADJOURNMENT

MOVED BY HON. D. V. MUTTU

SECONDED BY HON. C. E. MAHABIRSINGH

QUESTION PUT: AGREED.

AT 5.45 P.M. THE HOUSE ADJOURNED SINE DIE.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. HAROLD RUSSELL, CBE. PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS:

HON.D.V.MATTICK, OBE.,J.P.	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS
HON. G. E. GOODLAD,CBE.,QC.	SECOND OFFICIAL MEMBER AND ATTORNEY-GENERAL
HON. V.G.JOHNSON,OBE.	THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY
HON. A.J.MARSH,J.P.	SECOND ELECTORAL DISTRICT (GEORGE TOWN) MINISTER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT,(LESSER ISLANDS) AND MINISTER FOR TURNER ISLANDS CO-ORDINATION AND INFORMATION
HON. TREVOR O.EDWARDS	FIRST ELECTORAL DISTRICT.(WEST END) MINISTER FOR SOCIAL SERVICES, EDUCATION, HEALTH AND LABOUR
HON.W.W.CONOLLY,OCM.,JP	SIXTH ELECTORAL DISTRICT (EAST END) MINISTER FOR TOURISM, LANDS, NATURAL RESOURCES, AGRICULTURE AND SURVEYS

ELECTED MEMBERS:

MR.T.M.FARRINGTON,CBE.,JP	FIRST ELECTORAL DISTRICT, WEST END
MR. JOHN L. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST END
MRS. CLAUDE A. HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M.BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. S. RAIG BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MRS. CRADDOCK WATLER	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT:

MISS ANNIE H.HUTCHINGS	(WITH PERMISSION, ATTENDING ISLAND COURT)
CAPT.A.A.REID	(WITH PERMISSION, ENGAGED FOR MEDICAL AID).

ORDER OF THE DAY

WEDNESDAY, 3RD SEPTEMBER, 1975

10 a.m.

1. PRAYERS - BY THE REV. DR. A. W. BURKE

2. STATEMENT BY FIRST OFFICIAL MEMBER OF GOVERNMENT BUSINESS.

3. GOVERNMENT BUSINESS -

BILLS -

(i)	THE GRAND COURT BILL	REPORT THEREON AND THIRD READING
(ii)	THE JURISDICTION BILL	REPORT THEREON AND THIRD READING
(iii)	THE COURT OF APPEAL BILL	REPORT THEREON AND THIRD READING
(iv)	THE CORONER'S BILL, 1975	REPORT THEREON AND THIRD READING
(v)	THE POOR PERSONS (LEGAL AID) BILL	REPORT THEREON AND THIRD READING
(vi)	THE JUVENILES BILL, 1975	REPORT THEREON AND THIRD READING
(vii)	THE SUCCESSION BILL, 1975	REPORT THEREON AND THIRD READING
(viii)	THE PENAL CODE BILL	REPORT THEREON AND THIRD READING

(i)	THE CRIMINAL PROCEDURE CODE	REPORT THEREON RECOMMITTAL THIRD READING
(ii)	THE IMPRISONMENT BILL	REPORT THEREON RECOMMITTAL THIRD READING
(iii)	THE SUMMARY JURISDICTION BILL	REPORT THEREON RECOMMITTAL THIRD READING.

THE LAW REVISION BILL FIRST AND SECOND READINGS

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15.	Adjournment	22.

WEDNESDAY, 3rd September, 1975

10 a.m.

MR.SPEAKER: The Assembly is in session. I shall ask the Rev. Neil Banks to say Prayers.

PRAYER:REV.DR.A.N.BANKS: Let us Pray. Almighty and Everlasting God, the Source of all Wisdom and the Source of all Strength, at the opening of this Session of the Legislative Assembly we pray for those Members here assembled. Grant into them of Thy divine wisdom, grant unto them the strength of conviction. Grant unto them the knowledge of Thy will that together they may surely lead to the enactment of laws which will be to the benefit of all within these Islands.

We pray, Our Heavenly Father, for Her Majesty the Queen, the Members of the Royal Family. We pray for our Ministers of Government in the United Kingdom and in this territory here. Especially we pray for His Excellency the President of this Assembly, for the Members of the Executive Council which have the task of carrying out the day-to-day administration. Help each one that all may be done in Thy service and to Thy glory, in Jesus' name we ask it - AMEN.

MR.PRESIDENT: Please be seated.

The first item on the Agenda this morning is Statement of Government Business.

HON.D.V.WATLER: Mr.President and Honourable Members, in the Order of the Day you will see listed the various Bills that will be taken today, the Reports on those Bills and the Third Reading of the following Bills -

Penal Code Bill,
Judicature Bill
Court of Appeal Bill
Coroner's Bill
The Post Persons (Legal Aid) Bill
The Juveniles Bill
The Succession Bill
The Penal Code.

And then we will have the Report and the Third Reading, at which stage a Committee will be appointed for the following Bills -

The Criminal Procedure Code Bill
The Imprisonment Bill
The Summary Jurisdiction Bill.

We will also have the First and Second Readings of the Law Revising Bill.

Thereafter, the Confirmation of the Minutes of the meeting of the Legislature held on the 24th, 25th, 26th and 27th of June and the Private Member's Motion from the Lady Member of the Legislature, also the presentation of the Report from Cayman Airways, Ltd. and for moving the Third Reading of the Law Revising Bill. These are all the businesses that will be dealt with at this session.

GOVERNMENT BUSINESS: BILLS

THE GRAND COURT BILL

STATUTE REVISION

BY HON.C.E.WILLIAMS,C.B.E., Q.C. Chairman of Select Committee.

HON.G.E.MAGUNGWA: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee that was appointed by this Assembly for the purpose of examining and reporting on the clauses of the GRAND COUNCIL Bill.

The Committee held one meeting for this purpose and a copy of the notes of the meeting and the usual members of attendance is attached to the Report.

The Committee made a few verbal amendments, no more than verbal amendments to this Bill, Mr.President and Members and it is not necessary for me to refer to these amendments as they are set out in detail in the Report which, I believe, has been circulated to all members.

In conformity with Standing Order 56 (4), Mr.President, I have appended to the Report my certificate certifying that the Bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the Whole House. I, therefore, Mr.President and Members, at this stage, have much pleasure in moving the adoption of the Report.

HON.D.V.MATIBE: Second.

MR.PRESIDENT: The question is that the report on the Grand Council Bill be adopted, this containing amendments to clauses 1, 13, 14, 21, 27 and 31.

QUESTION PUT: AGREED: MOTION DULY CARRIED UNTIL ADOPTED.

MR.PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the Bill is now deemed to have been duly for Third Reading.

FORMAL AMENDMENTS TO GRAND COUNCIL BILL

HON.G.E.MAGUNGWA: Mr.President and Honourable Members, before moving for the Third Reading of this Bill, there are, I think, two verbal amendments which I would ask to be made thereto, in accordance with Standing Orders.

The first Amendment, Mr.President, is to Clause 23 - in the last line on page 10 of Clause 23 the word "Law", Criminal Procedure Law appears. In this course, Mr. President, I will be moving for a slight amendment to the Criminal Procedure Code Law, to delete the word "Law" and to substitute just the word "Code", so that it will be referred to as The Criminal Procedure Code. So I would ask that members would delete the word "Law" and substitute the word "Code" in that clause.

That, Mr.President and Members, is really the only amendment that I would ask on this Bill and I would now move the Third Reading of this Bill with that amendment as well as the amendments in the Report.

SECONDED BY HON. D. V. MATIBE.

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

DISSOLUTION BILL

SECOND READING

HON.G.E.MAGUNGWA: Mr.President and members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining and reporting on the clauses of the Dissolution Bill.

HON.G.E.MADDICTON (CONTINUED) The Committee held two meetings for this purpose and the notes of these meetings and the customary analysis of attendance is attached to the report.

The Committee made several amendments to the Bill, amendments were made to clauses 3, 7, 15, 29, 30, 31, 32, 34, 43, 44, 51, 55, 57 and certain other consequential amendments by renumbering certain clauses and certain other verbal amendments. I will not refer to the amendments in any detail, Mr.President, because they are all set out in the report which has been circulated to Members.

And in conformity with Standing Order 56 (1) I have appended my certificate to the report certifying that the Bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the Whole House, and I now have much pleasure, Mr.President, in moving the adoption of the Report.

SECONDED BY HON. D. V. WALKER:

QUESTION PUT: AGREED: REPORT ON JUDICATURE BILL ADOPTED.

HON.PRESIDENT: The necessary certificate having been given under Standing Order No (1), the Bill is accordingly deemed to have been set down for Third Reading.

Would the Clerk read the title please?

HON.G.E.MADDICTON: Before the Third Reading, Mr.President, there are a few verbal amendments that I would ask be made to the Bill. In clause 1 the Bill is cited as the Judicature Law 1975, 1975 is unnecessary and I would ask that those figures 1975 be deleted so that the Bill may be cited simply as the Judicature Law.

I would also ask, Mr.President, that in clause 2 at the bottom of page 5, at the very end, the words appear Criminal Procedure Code Law, and in pursuant of what I said on the previous Bill, the Criminal Procedure Code Law will in due course be amended to read the Criminal Procedure Code, and so I would ask that the word "Law" be deleted.

There are some marginal notes, Mr. President, which really do not form part of the Bill and I like it that the Clerk will, in due course, make the correct marginal notes to correspond with the text. I don't think I need mention these.

Those are the only two verbal amendments that I would ask, Mr.President.

THIRD READING

CLERK: The Judicature Law.

HON.G.E.MADDICTON: I would now move, Mr.President, the Third reading of the Judicature Law.

HON.D.V.WALKER: Second.

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

THE COURT OF APPEAL BILL.

REPORT ENGAGED

HON.G.E.MADDICTON: Mr.President and honourable Members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining

HON.D.B.WASHINGTON (CONTINUED) and reporting on the clauses of the Court of Appeal Bill.

The Committee held two meetings, Mr.President at which this Bill was considered clause by clause and copies of the Hours of meetings are attached to the report containing the usual analysis of Amendments.

The Committee made one slight amendment to the Bill, clause one of the Bill and I have certified, Mr. President, that in conformity with Standing Order 56 (4) the Bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the members, the Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the Whole House. I have much pleasure in moving the adoption of the Report.

HON. D. V. MASON: Second.

QUESTION PUT: AGREED: REPORT ON THE COURT OF APPEAL BILL ADOPTED.

MR.PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the Bill is accordingly deemed to have been set down for Third Reading.

HON.O.B.WASHINGTON: Before the Third Reading is taken, Mr President, there is a verbal Amendment that I wish to move to Clause 9 (3) of the Bill on page 8, again, this amendment has to do with the alteration to the title of the Criminal Procedure Code Law and in the third line from the bottom, Mr.President, the words "Criminal Procedure Code Law" appeared and I would ask that the word "Law" be deleted. That is the only amendment I'd ask.

MR.PRESIDENT: Could I ask that we that would require a consequential amendment to the word "Law" in the last line?

HON.A.M.MCDONOUGH: To the what line?

MR.PRESIDENT: In the last line of 9(3), the word Law is used?

HON.O.B.WASHINGTON: Well, it is a law, although it is called the Criminal Procedure Code, it is sometimes a law, so the "Law" is correct.

THIRD READING

CLERK: THE COURT OF APPEAL LAW,

HON.O.B.WASHINGTON: Mr.President, I beg to move the Third Reading of the Court of Appeal Law, as amended.

HON.D.V.MASON: Seconded.

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

THE CORONER'S BILL, 1975

REPORT THEREON

HON.O.B.WASHINGTON: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by the Assembly for the purpose of examining and reporting on the clauses of the Coroner's Bill, 1975.

The Committee held two Meetings at which the Bill was considered clause by clause and copies of the notes of these

HON.G.E.MADDUMABANDA. (CONTINUED) Amendments, together with the necessary analysis of attendance, are attached to the report.

The Committee made three amendments and some consequential amendments. Amendments were made to clauses 1, 12.18 and the Schedule to the bill and these amendments appear in detail in the report.

Sir, in conformity, Mr.President, with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I have much pleasure in moving the adoption of that Report.

HON.D.K.KAUNDA. Second.

QUESTION PUT. MOTION: REPORT OF THE COMMITTEE GIVEN ADOPTED.

MR.SPEAKER: The necessary certificate having been given under Standing Order 56 (4) the bill is accordingly deemed to have been set down for Third Reading.

HON.G.E.MADDUMABANDA. Mr.President, before moving the Third Reading, there is a formal amendment that I would like to have made to clause 18 of this bill and this amendment also is consequential on the alteration of the title to the Criminal Procedure Code Law and on the 2nd line of clause 18 appears "Criminal Procedure Code Law" and I would ask that the word "Law" be deleted.

THIRD READING

CLERK: The Commercial Law, 1975

HON.G.E.MADDUMABANDA: Mr.President, Members, I beg to move the Third Reading of the Commercial Law, 1975 as amended.

HON.D.K.KAUNDA: Second.

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

THE POOR PERSONS (LEGAL AID) BILL

REPORT THEREON

HON.G.E.MADDUMABANDA: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Poor Persons (Legal Aid) Bill.

The Committee held one meeting for this purpose and a copy of the Notes of the meeting is attached, together with the necessary analysis of attendance. No amendments were made to the Bill and in accordance with Standing Order 56 (4), Mr. President, I have appended my certificate to the report, certifying that the Bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the Bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House. I have much pleasure in moving the adoption of the Report.

HON.D.K.KAUNDA: Second.

QUESTION PUT: MOTION: REPORT ON THE POOR PERSONS (LEGAL AID) BILL ADOPTED.

MR.PRESIDENT: The necessary certificate having been given, the Bill is accordingly deemed to have been set down for Third Reading.

THIRD READING

Clerk: THE POOR PERSONS (LEGAL AID) BILL.

HON.G.K.MAGOTHWANA: Mr.President and Honourable Members, I have much pleasure in moving the Third Reading of the Poor Persons (Legal Aid) Law.

HON.D.V.MATLEA: Second.

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

THE JUVENILES LAW, 1975

REPORT STAGE

HON.G.K.MAGOTHWANA: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Juveniles Bill, 1975.

The Committee held two meetings at which the Bill was considered clause by clause and copies of the notes of these meetings are attached to the report. The Committee made a few slight amendments to the Bill, Mr.President and Members, slight amendments were made to clauses 2, 6, and 9 and some amendments, verbal amendments to the Schedule.

And in conformity with Standing Order 56 (4), Mr.President, I have appended my certificate to the report, certifying that the Bill has been considered clause by clause in the presence of a quorum of the members of the Committee, and that, in the opinion of the Committee, the Bill may be dealt with by this Assembly in the same manner as a Bill reported to by a Committee of the Whole House.

I now have much pleasure in moving the adoption of the Report.

HON. D. V. MATLEA: Second.

Question put: AGREED: REPORT ON THE JUVENILES LAW, 1975 ADOPTED.

MR.PRESIDENT: Requirements of Standing Order 56 (4) having been complied with, the Bill is accordingly deemed to have been set down for third reading.

THIRD READING

Clerk: The Juveniles Law, 1975.

HON.G.K.MAGOTHWANA I beg to move, Mr.President, the Third Reading of the Juveniles Law, 1975.

HON. D.V.MATLEA: Second.

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

THE SUCCESSION BILL, 1975

REPORT STAGE

HON.G.K.MAGOTHWANA: Mr.President and Honourable Members of this House, I have the honour of presenting the report of the

HON.G.E.WASHINGTON (CONTINUING): Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Succession Bill, 1975.

The Committee held one meeting at which the bill was considered clause by clause and the notes of this meeting are appended to the Report.

The Committee made a few amendments to this bill, the amendments being to clauses 1,6, 17, 31,34 and 35 and those amendments appear in detail in the report and I will not refer further to them.

In conformity with Standing Order 54 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House and I now beg to move the adoption of this report.

HON.D.W.BUTLER: Second.

QUESTION PUT AND AGREED: REPORT ON THE SUCCESSION BILL, 1975 adopted.

MR.PRESIDENT: Requirements of Standing Order 54 (4) having been met, the bill is accordingly deemed to have been set down for Third Reading.

Third Reading

CLERK: THE SUCCESSION LAW, 1974.

HON.G.E.WASHINGTON: Mr.President, I beg to move the Third Reading of a bill entitled the Succession Law 1975.

HON.D.W.WORDEN: Second.

QUESTION PUT: Agreed: Bill read a THIRD READING and passed.

THE PENAL CODE BILL

Second Reading

HON.G.E.MACDONALD: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Penal Code Bill.

The Committee held six meetings at which this bill was considered clause by clause. Copies of the notes of the meetings, together with the usual analysis of attendance, are attached to the report.

The Committee made amendments to clauses 11, 43, 48, 108, 125, 127, 157, 158, 165, 171 (a), 191, 193, 205 (b), 233 (b), 247 and 296, and some other consequential amendments in the marginal notes and so on. These amendments all appear in detail in the report and there is no need for me to refer to them in any greater detail.

In conformity, Mr.President, with Standing Order 54 (4), I have appended my certificate to the report certifying that this bill has been examined clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I now have much pleasure in moving the adoption of the Report.

HON. D. V. KATJIRE: Second.

QUESTION PUT: AGREED REPORT ON PENAL CODE BILL ADOPTED.

MR.PRESIDENT: The necessary certificate having been given under Standing Order 56 (4), the bill is accordingly deemed to have been set down for third reading.

THIRD READING

BILL: THE PENAL CODE BILL

HON.C.B.KAUIKEUAN: Mr.President, I beg to move the third reading of a bill entitled the PENAL CODE.

HON.D.V.KATJIRE: Second.

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

THE CRIMINAL PROCEDURE CODE.

REPORT THEREON

HON.C.B.KAUIKEUAN: Mr.President and honourable members, I have the honour of presenting the report of the Select Committee appointed by this Assembly for the purpose of amending and supporting of the clauses of the Criminal Procedure Code.

The Committee had five meetings at which the bill was considered clause by clause and copies of the minutes of these meetings, together with the customary analysis of attendance, are attached to the report.

The Committee made several amendments to this bill and the amendments are set out in detail in the Report and I will not deal in any detail, but I will just mention the clauses which were amended. Amendments were made to clauses 1, 13,14,15,16,23,29, 50,61, 70, 81,103,127,150,162, 165, 170 and 231. Certain amendments were also made, chiefly verbal amendments to the Schedules to the bill. Schedules I and III, and particularly in the spelling form of indictment, several amendments were made therein, as a result of the amendment which had been made previously to the Penal Code. Those amendments, as I have said, Mr.President, are set out in detail in the report and I will not refer further to them.

In accordance with Standing Order 56 (4) I have appended my certificate to the report certifying that the bill has been considered clause by clause in the presence of a quorum of the members of the Committee and that, in the opinion of the Committee, the bill may be dealt with by the Assembly in the same manner as a bill reported on by a Committee of the Whole House, and I now have much pleasure in moving the adoption of the Report.

HON.D.V.KATJIRE: Second.

QUESTION PUT: AGREED: REPORT ON CRIMINAL PROCEDURE CODE ADOPTED.

MR.PRESIDENT: The necessary certificate having been given under Standing Order 56 (4) the bill is accordingly deemed to have been set down for third reading.

AMENDMENTS TO CRIMINAL PROCEDURE CODE

HON.C.B.KAUIKEUAN: Mr.President, before this bill is given a third reading, there are some amendments which I would like to move to be made thereto which, in my opinion, will require a recommittal of the bill to Committee and I accordingly, in accordance with

HON.G.E.MADDICKSON (CONTINUED) Standing Order 56 (2) move that this Bill be referred to a Committee of the Whole House.

HON.D.J.WITHERS: Second.

QUESTION PUT: AGREED TO: MOVED TO COMMITTEE.

HON.G.E.MADDICKSON: Before the House resolves to Committee, Mr.President, perhaps I should mention the particular sections at this stage which I would ask be referred to the Select Committee. These, Mr. President will be clauses 1, 156, 165, 168, 169, 170, 171, 172, 180 and Schedules 1 and 11.

MOVED IN COMMITTEE

CLERK: Clause 1 Short title and commencement.

HON.G.E.MADDICKSON: To this clause, Mr.Chairman and Members there is the same consequential amendment arising out of the alteration of the title of the Criminal Procedure Code 1902, 1975 and I would ask that in the second line the words "Law, 1974" be deleted so that the reference will be to the Criminal Procedure Code.

QUESTION PUT: AGREED TO: CLAUSE 1 AS AMENDED AGREED.

CLERK: Clause 156. Appeals from decision of Summary Court.

HON.G.E.MADDICKSON: In 156, sub-section (2), Mr.Chairman, in the second to the last line appears the word 'sub-section (3) of section 11,"I would ask that (3) be altered to (5), we think it will read "the provisions of sub-section (5) of section 11"...

QUESTION PUT: AGREED: CLAUSE 156 AS AMENDED AGREED.

CLERK: Clause 165 Appellant entitled to copies of evidence.

HON. G.E.MADDICKSON: I'd ask, Mr.Chairman that in the first line, between the words "appeal" and "the" the words "by motion" be inserted, so that the clause will now read "an appeal by notice the appellant,"etc....

HON.C.KING AGREED. Mr.Chairman, just bear with me one moment. I seem to feel that the amendment suggested here will limit the persons appealing. It will limit their rights to receive those copies of evidence only when the appeal is by notice. I think we have to refer to section 150 where people have a right to appeal from the Summary Court and apparently they appeal can be in two different ways, by notice and by another way. As the section was passed by the Committee, everybody appealing apparently had the right to receive the notes of evidence. Here, if we say "an appeal by notice" it would mean that only those appellants who appealed by way of a notice would have a right to receive the notes which I think is wrong. If a person has the right to appeal, certainly he should have the right to everything that pertains to the original hearing and there may be a specific reason for this limitation, but as it stands now I would have to go against it. Of course, this morning we have seen the might and power of Executive Council with its multi-motive powers to such an extent that even people like me were afraid to open my mouth because I knew I could'nt stem the tide, I wouldn't couldn't stop the on-slaught, but I think we should consider this carefully before we limit the appeals in this way.

HON.C.S.MARRINGTON: Mr.Chairman, the words "by motion" were omitted in error. There is a specific reason why the words "by motion" should appear in this section. As the Members very eloquently appreciate now, clause 155 gives a right of appeal either by motion on matters of law or both or by way of case stated on a point of law only, or, under 156, on an appeal by motion all that the appellant would be entitled to would be the notes of evidence that were given in the case, because the appeal then is on matters of fact and when we refer to other sections, I will ask for the words "on motion" as well and also in clause 171 which specifically refers to an appeal by way of case stated, so that in 168 it is necessary to state that 155 only applies to appeal by way of motion, that is to say, appeal on questions of fact or of mixed law and fact. That is the only reason for the amendment. It should have appeared in the original clauses as printed but by some error it was omitted.

MR.G.HAIG HOOPER: Mr.Chairman, I feel that a very good case has been made out for adding the words 'by motion' but I still feel that it is wrong and I'll still vote against it. Of course, I know before I voiced my objections that it would be useless in today's session, but I would still like to go on record as stating that this is patently wrong.

MR.SPEAKER (???): Mr.Chairman, on the Memorandum of Objects and Reasons of this Bill, it is clearly stated that the procedure of this bill follows the practices found in many other Commonwealth countries and I think the Attorney-General, our Second Official Member, is doing so.

QUESTION PUT: AGREED

CLAUSE 168 PASSED AS AMENDED.

Clerk: CLAUSE 168 Appeal not a re-hearing Unless the Court so directs.

HON.C.S.MARRINGTON: Now, Mr.Chairman, clause 168 as printed, either the printer or the printer's devil or somebody went completely awry and I'd ask that that clause would be completely deleted and a new clause inserted in accordance with a re-print that I have here for distributing to the Members.

MR.PRESIDENT: The question is that clause 168 be struck out and that a new clause as circulated to Honourable Members be substituted therefor.

Mr. JAMES V.BODDEN: Mr.Chairman, it seems as if this could not be attributed to the printer's devil because there are too many words changed. I wonder if we could have the help of the Second Official Member in advising us as to exactly why it should be changed from the way it was in the bill and changed to the way that he has suggested. What is the real meaning behind it?

HON.C.S.MARRINGTON: The reason behind this, Mr.Chairman, is that clause 168 as it stands is hopelessly incomplete and it was discovered as on checking the bill that the precedent or the draft from which this bill was prepared contained the clause that it is now sought to be put in.

Mr. JAMES V.BODDEN: Could he not say where this similar law came from and why if we change it this way it would be more acceptable than the way it is in the present bill.

HON.C.S.MARRINGTON: The Clause, Mr.Chairman, came from a draft which was prepared by a legal Draftsman who had been engaged by this Government in the year 1960, I think, but the bill

HON.G.E.MADDISON (CHAIRMAN): Had leave been granted to the Assembly and on examining the draft it was decided that the clause, as drafted by the Draftsman, was a proper clause and should be put forward. And I should just add further that the clause follows the usual appellate procedure in an appeal from a Summary Court to a Higher Court.

QUESTION PUT: AGREED: Clause 168 remain PART THE FOLLOWING AMENDMENT THEREOF -

"Appeal not a re-hearing unless the Court so decides.

On an appeal by motion, unless the Court considers the justice of the case requires a re-hearing, the appellant shall begin, and unless he satisfies the Court that it is necessary to call on the respondent, the conviction, order or judgment shall be confirmed:

Provided that, if the Court directs a re-hearing the respondent, if the issue is with him, shall begin and prove his case, and the Court may, if the justice of the case requires it, adjourn the hearing to some convenient day."

CLERK: CLAUSE 169 Procedure at hearing of appeal.

HON.G.E.MADDISON: In this clause, Mr.Chairman, I would ask that in the first line between the words "appeal" and "the" the words "by motion" be inserted. The reason, Mr.Chairman, is exactly the same as the reason for the insertion in clause 166.

QUESTION PUT: AGREED CLAUSE 169 BE AMENDED.

CLERK: CLAUSE 170 Court on hearing appeal to decide on facts as well as law.

HON.G.E.WARRINGTON: In this clause, Mr.Chairman, I would ask that in the first line between the words "appeal" and "the" the words "by motion" be inserted and the reason for this is the same as in the two previous amendments, clauses 166 and 169.

HON.R.TAIG DONNER: Mr.Chairman, I am not seeking to change anything because I know it is useless, but why is it that in one case it is "on motion" and the other one "by motion" - what is the difference, in clauses 169 it is "on motion" and in 170 "by motion" - what is the difference?

HON.G.E.WARRINGTON: The difference is the beginning of the sentence with the word "on" - the word "by" is considered more suitable after "On appeal". You will notice that in 169 it is "At the hearing of an appeal" - "On motion" - simply a matter of words, what is considered to be a more appropriate term.

HON.G.MACE DAVIES: But, why not use "by" right through then, since some of the sentences start with "by".

HON.G.E.MADDISON (CHAIRMAN): Because "By" would not be appropriate in clause 169

QUESTION PUT: AGREED- CLAUSE 170 BE AMENDED Carried.

CLERK: CLAUSE 171 On appeal court confined to facts and evidence stated therein.

HON.G.E.WARRINGTON: In this clause, Mr.Chairman, I would ask that the words appearing in the first line and reading "Where an appellate court ascertains an" be deleted, from "Where" to "un" be deleted and the following words be substituted -

HON.C.E.MACDONALD (Commissioner): "On appeal by special case the Court shall ascertain such" - so that the clause will now read - "On appeal by special case the Court shall ascertain such appeal on the ground stated...." And a second amendment I'd ask in the fourth line the words "the appellate" be deleted the following words substituted - "in the special case. The" - so that that line will now read "and upon the facts stated and the evidence mentioned in the special case, The court may remit the case to the Summary Court",etc.,etc. The whole section will now read, Mr.Chairman -

"On appeal by special case the Court shall ascertain such appeal on the ground only that the decision of the Summary Court was erroneous in points of law, or in excess of jurisdiction, and upon the facts stated and the evidence mentioned, in the special case, the Court may remit the case to the Summary Court for amendment or restatement if necessary, or for re-trial and determination in accordance with such directions as may be deemed necessary."

MR.PRESIDENT: Could I clarify whether "court" is spelt with a small c or a large C?

HON.C.E.MACDONALD: Court is spelt with a small c, Mr. Chairman, in accordance with the definition in the definition section of clause 2.

MR. G. MAIG BOGGS: Still again, we seem to be limiting the type of appeal or a special case and in section 170 I don't want to see any provision for special cases - I think that reads "by way of case stated on a point", and in the definitions in the beginning of the law we don't want to have anything about the special cases, So, I am wondering if this would be clear to the officers of the court when they come to deal with this because we seem to be putting into this section something entirely new to this bill.

HON.G.S.MACDONALD: The member stopped at the word 'point' in section 170, well the section doesn't stop at "point" - it goes on to say 'a point of law". In other words, one can only appeal on a point of law by a case stated and clause 171 is merely setting out the provisions - it says "on a case stated on a point of law only as hereinafter provided" and clause 171 is the 'hereinafter provided', and this is working out the provisions that the Court must apply when an appeal is only by way of case stated on a point of law.

MR. JAMES M.BOYLE: But, Mr.Chairman, what is the definition for the special case - how would we determine that a case is special?

HON.G.B.MACDONALD: There is nothing special about it, it merely says 'by way of case stated' and clauses 170, 164 and 165 set out the provisions which must be followed when an appeal is made by way of case stated - it is not special - nothing special about it.

MR. JAMES M.BOYLE: Well, don't your wording of it special? "On appeal by special case the Court shall ascertain such a "... or something like that? We are making it a special case. This is what I want to find out, what is the definition that will determine the seriousness of the case?would we have that clarified?

HON.G.S.MACDONALD: A special case there is referring to a case stated and there is a point there, perhaps instead of using the word "special case" we could say "an appeal by case stated".

MR. JAMES V.BOSLEY: That's what I would like to see.

HON.K.M.COWPERTHWAITE: Mr.Chairman, in 163 and 164 "special case" is used. I think it would be quite in line to continue using the "special case", because if you read 165 it says that to the last "appeal from and all documents alluded to in the special case as entered as by special case stated as hereafter in this code provided". So I must think that the words "special case" would be out of order to be used in 171 if taken in from 165, it is referred to.

HON.G.E.WOODINGTON: Now while doing, Mr.Chairman on this, that one can only appeal in two ways - either by motion on matters of law or fact together, or on facts alone, but when it comes to a point of law alone, the appeal can only be by case stated and that's how terms a case stated as being a special case because it is a case only on a point of law. So that I think it should be clear that the reference to "special case" where it appears in the clause is a reference to an appeal by way of case stated.

MR.JAMES K.BAILEY: So suppose we put "case stated" instead of "special case"?

MR.G.MAY POWER: Mr.Chairman, I am afraid I will have to vote against this section, too, because everything I hear on it seems to further obfuscate rather than illuminate this section. It is not clear to me at all.

HON.K.M.COWPERTHWAITE: Mr.Chairman,I take this but whenever an appeal arises by a case stated, that particular case automatically becomes a special case - this is the way I see it and I think this is the way it is presumed to be. But I don't think anybody can put down a definition of "a special case" because no one knows what point of law any such case might arise on.

Mr. JAMES K.POTTER: That's why we are contending that it shouldn't be there, you should go back to your definition and use, say, "case stated" - it would be much clearer to everybody including the poor benighted fools on this side if it was that way.

HON. PERSON C.ELLIS: Mr.Chairman, I think if we refer to 163 the marginal note of which is "case stated" it gives the procedure to be followed in the case where an appeal is being made by way of a case stated and that requires that the appellant state a special case for the purpose of the appeal. So I think this is where you are getting "special case" coming in, being mentioned thereafter - it isn't confusing to me.

MR. JAMES V.BOSLEY: But it is confusing to me Mr.Chairman, because we can have this word 'special' being interpreted in different ways and I would like to have it as is defined in here under "case stated", so that we have no misinterpretation that it is interpreted one way for one person and one way for another. If it is part of special well, then it might be that the judge may think that something has to be a bit special before he can entertain it.

HON.G.E.WOODINGTON: I personally can see no confusion, Mr. Chairman, the whole matter is governed by 156 which says "that an appeal may be made by way of case stated on a point of law only as hereinafter provided" and clause 163 sets out the manner in which the case stated is to be done. It provides there that in all cases of appeal by way of case stated the appellant shall, within the time and in the manner and form hereinafter prescribed serve a notice of appeal and enter into recognizances and shall within fourteen days after the day on which the County Court

HON.G.R.MACHIN(HIGHLIGHTS)" gave the definition Case which the appeal is made, apply to such Court to state a special case for the purpose of the appeal", so that what the section is doing is to require the special case that will be stated by the court as being the case stated, so that it seems clear to me that when the word "case" is mentioned, whether "case stated", once it is stated that a case is stated that it becomes a special case.

MR. JAMES H.BODDEN: But Mr.Chairman, you must remember that this section will recently went through the hearings of a Committee, and if it was acceptable then, all of a sudden we are getting a lot of big changes in only about two weeks from the Committee stage - somebody must have been doing a lot of additional research. Just a few minutes ago the Deputy Official Member said that he could see no reason why it couldn't be changed until our learned friends on the other side found something in 163 to substantiate the case, so I still stand to it, Sir, that I think it should be "under case stated" rather than "special case".

HON.G.R.MACHIN(HIGHLIGHTS): Mr.Chairman, the errors, these errors that were discovered, were discovered on a re-checking, a careful re-checking of the Bill. The amendments which are sought were contained in a Bill which was prepared by an Eminent lawyer when this country had employed to draft this Bill yearsago, and I, for one, would be very loth to depart from the wording of the Bill as now sought to be amended.

MR. JAMES M.THOMPSON: In that case, if you are loth to change just this one word, why have you been willing to change so much more? You must remember that the people on this side of the House do not have too much legal knowledge.

HON.G.R.MACHIN(HIGHLIGHTS): I know nothing further to add, Mr.Chairman, I consider the wording to be in order and I am not prepared to make any changes to it.

MR. JAMES M.BODDEN: That is our concern,Sir.

MR.CHAIRMAN: Well, I think we've had the pros and cons of this Amendment now so take a vote on it. I had better read out the clause as amended finally - The clause, as amended, will read

> "On appeal by special case the court shall determine such appeal on the ground only that the decision of the Summary Court was erroneous in points of law or in excess of jurisdiction and upon the facts stated and the evidence contained in the special case. The court may remit the case to the Summary Court for amendment or re-statement if necessary or for further and determination in accordance with such directions as may be deemed necessary."

That's the amendment as moved.

QUESTION PUT: CLAUSE 171 AS AMENDED PASSED.

PASSED: CLAUSE 172 Powers of Court on hearing appeal.

HON.G.R.MACHIN(HIGHLIGHTS): I'd ask, Mr.Chairman, that the word "court" appearing on the last word of the clause be deleted and the words "Summary Court" substituted, a capital S and a capital C. The reason for this amendment, Mr.Chairman, is this that the word "court" there as defined in the definition section means the Grand Court or the Summary Court as the context may require, but I think that instead of relying on the context in this, we should spell it out quite clearly that what is meant here is the Summary Court.

QUESTION PUT: AGREED: CLAUSE 172 AS AMENDED AGREED.

CLERK: Clause 180 Code not to affect powers conferred by Cap. 176.

HON.G.E.MADDISON: Sir, Mr.Chairman, the reference in the first line of the clause is to the Juveniles Law. I would ask that that Law reference to the new Juveniles Law which we have passed and that the reference should be the "Juveniles Law, 1975" and the corresponding marginal note made " Law of 1975".

QUESTION PUT: AGREED: CLAUSE 180 AS AMENDED AGREED

CLERK: SCHEDULE I

HON.G.E.MADDISON: In Schedule I, Mr.Chairman, the Schedule is headed The Criminal Procedure Code Law and in keeping with the previous amendments I would ask that the word "Law" be altered in all parts of the Schedule. It appears in front cover and on page 2, the top of page 2.

QUESTION PUT: AGREED: SCHEDULE I AS AMENDED AGREED.

CLERK: SCHEDULE III

HON.G.E.MADDISON: In Schedule III, Mr.Chairman, on page 76 the sixth item, on page 76 where the Statement of offence is Cruelty to a juvenile, contrary to section 3 (1) of the Juveniles Law, 1964, I would ask that "1964" be deleted and "1973" substituted.

QUESTION PUT: AGREED: SCHEDULE III AS AMENDED AGREED.

MR.CHAIRMAN: That concludes proceedings in Committee on the Criminal Procedure Code.

THE HOUSE RESUMED

REPORT STAGE

HON.G.E.MADDISON: Mr.President, I have to report, Sir, that a bill entitled the Criminal Procedure Code, after consideration by a Committee of the Whole House was considered, certain amendments by the Committee and agreed to as follows -

In Clause 1 the words and figures "Law 1972" were deleted
In Clause 156 sub-clause (2) the text (ire the figure (5) substituted for the figure (3).
In Clause 166 the words "by motion" were inserted between the words "appeal" and "the" in the first line
In Clause 168 - the entire clause was deleted and a new clause substituted as agreed by the amendment circulated.
In Clause 169 the words "or motion" were inserted in the first line between the words "appeal" and "the"
In Clause 170 the words "by motion" were inserted in the first line between the words "appeal" and "the"
In Clause 171 the words "Where an appellate Court entertains an" in the first line were deleted and the following words substituted - "On appeal by special case the court shall ascertain each" and in the fourth line the words "the appellate" were deleted and the words "in the special case. Full-stop also were substituted.
In Clause 172, in the last line the word "court" was deleted and the words "Primary Court" substituted
In Clause 180 the figures "1975" were added after "Juveniles Law" in the last line

HON.C.E.WASHINGTON(MINISTER FOR CHILDREN): In Schedule 1 the word "Law" was added where it appears after the reference to Criminal Procedure Code
And in Schedule III on page 70, Clause 6, on the third line the figures "1964" were deleted and the figures "1975" substituted after the words "Juveniles Act".

Those were all the amendments which were made on the recommittal, Mr.Chairman.

MR.PRESIDENT: The Bill is deemed to have been put down down for Third reading.

THIRD READING

CLERK: THE CRIMINAL PROCEDURE CODE.

HON.C.E.WASHINGTON: Mr.President, I beg to move that a Bill entitled The Criminal Procedure Code be given a third reading.

HON.T.V.MATIBE: Second.

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

THE IMPRISONMENT BILL

REPORT THEREON

HON.C.E.WASHINGTON: Mr.President and Honourable Members of this House, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Imprisonment Bill.
The Committee held one sitting at which this Bill was considered clause by clause and the notes of the Committee's hearing are attached to the report.
The Committee made a few amendments to this Bill and those amendments were to clauses 1, 2, 22, 27, 30 and 43, and those amendments all appear in detail in the report.
In conformity, Mr.President, with Standing Order 90 (1) I have appended my certificate to the report, certifying that the Bill has been considered clause by clause in the presence of a quorum of members of the Committee and that, in the opinion of the Committee the Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the whole House and I now have much pleasure in moving the adoption of this report.

HON.D.T.MUKER: Second.

QUESTION PUT: AGREED: REPORT ON IMPRISONMENT BILL ADOPTED.

MR.PRESIDENT: The necessary certificate having been given under Standing Order 90 (1) the Bill is accordingly set down for third reading.

HON.C.E.WASHINGTON: Mr.President and Members, before moving the third reading of this Bill, I would ask that the Bill be recommitted to a Committee of the Whole House in accordance with the provisions of Standing Order 89 (2) in order to consider further amendments to the following clauses - Clause 2, Clause 43, and Clause 7.

QUESTION PUT: AGREED: BILL RECOMMITTED TO COMMITTEE OF THE WHOLE HOUSE

BOOKS IN CHAMBER

CLERK: CLAUSE 2 AMENDMENTS.

HON.W.K.MARQUIS: I would ask, Mr.Chairman, that in the definition of "juvenile" on page 4 that the figures "1975" be added after the word "law", that is to say, the definition will be "juvenile" has the meaning ascribed to it in the Juveniles Law, 1975 and that the marginal note be amended accordingly - "Law of 1975".

Another amendment to Clause 2, Mr. Chairman, a similar amendment to the definition of "young persons" at the end of the comma - "young persons" - I would ask that the figures "1975" be added after "Corrections Law" and the marginal note amended accordingly "Law of 1975" -

QUESTION PUT: AGREED: CLAUSE 2 AS AMENDED PASSED.

CLERK: CLAUSE 22 Examination of Cayman sentence in Jamaica.

HON.C.B.WOODCOCK: Now, Mr.Chairman, before this Bill was committed to the Select Committee, a copy of it was sent to Jamaica so that the appropriate authorities could have a look at the provisions which refer to Jamaica, which apply to them, and to advise us as to any amendments which they might consider necessary or give their comments on those provisions and it was pointed out, Mr.Chairman, that the references in Clause 22 to the Prisons Law of Jamaica and the sections there quoted were not correct, as apparently there has been a new Prisons Law in Jamaica, called the Prisons Act and the sections are quite different but the corresponding sections are the same and so the amendment which I will move would be that in the second to the last line of sub-clause (1) that the sections be 43, instead of 31, 44 instead of 32, 45 instead of 33, 46 instead of 34 and 47 instead of 35 are in the last line instead of the Prisons Law of Jamaica, it is the Prisons Act of Jamaica.

QUESTION PUT: AGREED. CLAUSE 22 AS AMENDED PASSED.

CLERK: CLAUSE 25 Return passage of prisoners

HON.W.K.MARQUIS: Likewise, Mr.Chairman, comment was made from Jamaica with respect to the provision in Clause 25. Clause 25 provides that the Governor-General shall provide any prisoner, other than a prisoner who is a citizen of Jamaica with a free return passage to the Islands by the last aircraft before the expiration of the sentence and then the proviso went on to say that provided if such a prisoner, on being offered a passage as aforesaid, before the expiration of the sentence, expressed a wish not to return to the Islands, he shall be kept in the penitentiary,etc,etc, Well, Jamaica raised the point that they weren't too happy about prisoners remaining in Jamaica after the expiration of their sentences, other than, of course, prisoners who were citizens of Jamaica and so it was thought that all such prisoners should be returned to the Cayman Islands, to be dealt with here at the expiration of their sentence in accordance with law and to be put out here, and that we shouldn't finish such prisoners in Jamaica by giving them the choice to remain there and so I would ask that the entire proviso be deleted.

QUESTION PUT: AGREED: CLAUSE 25 AS AN AMENDED PASSED.

BILLS PASSED

SECOND READING

HON.L.E.WADDINGTON: Mr.President, I have to report that a Bill entitled The Imprisonment Bill was committed to a Committee of the Whole House and on such Committee the following further amendments were made thereto -

Clause 2: In the definition of "juvenile" the figures "1975" were added after the words 'Juveniles Law"
In the definition of "young persons" the figures "1975" were added after the words "Juveniles Law"
Clause 2 - sub-clause (1): In the second to last line of the sub-clause the figures 51,52,53.54,and 57 were deleted and the following figures substituted 43,44,45, 46 and 47
In the last line the word "Law" was deleted and the word "Act" substituted.
Clause 25, the entire proviso was deleted.

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

THIRD READING

CLERK: THE IMPRISONMENT BILL.
MOVED BY HON.L.E.WADDINGTON, SECONDED BY HON.D.V.MAHER.
QUESTION PUT: AGREED. BILL READ A THIRD READING AND PASSED.

THE SUMMARY JURISDICTION BILL

SELECT COMMITTEE

HON.C.E.ARMSTRONG: Mr.President and Honourable Members, I have the honour of presenting the Report of the Select Committee appointed by this Assembly for the purpose of examining and reporting on the clauses of the Summary Jurisdiction Bill.

The Committee held one meeting for this purpose and a copy of the notes of the meeting is attached to the Report, which contains a summary of the analysis of the assembly.

The Committee made amendments, Mr. President, to clauses 18, 21, 28, 37, 44, 45 and 49 of the Bill and also to the First Schedule and the Second Schedule and those amendments appear in detail in the Report.

In accordance with Standing Order 56 (2), Mr.President, I have appended my certificate to the Report certifying that the Bill has been considered clause by clause in the presence of a quorum of the Members of the said Committee and that in the opinion of the Committee, the Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the Whole Assembly. I have much pleasure in moving the adoption of the Report.

HON.D.V.MAHER: Seconded.

QUESTION PUT: AGREED: REPORT BE [illegible] ADOPTED.

MR.PRESIDENT: As the necessary certificate has been given under Standing Order 56 (4) the Bill is accordingly set down for Third Reading.

HON.G.E.KAMPHUMPHU: Mr.President, before the Bill is given a third reading there are certain amendments which I would move be made thereto and for this purpose I would ask that the Bill be re-committed to a Committee of the Whole House, in accordance with Standing Order 94 (2). The clauses in question, Mr.President, are clauses 2, 13, 17, 22, 30, 36, 37, 38 and 51.

HON.D.V.MIDDLER: Second.

QUESTION PUT: BILL RE-COMMITTED TO A COMMITTEE OF THE WHOLE HOUSE.

HOUSE IN COMMITTEE

CHAIR: CLAUSE 2: Interpretation.

HON.G.F.WASHINGTON: On page 7, Mr.Chairman, top of the page, a reference is made in the second line of the definition of Criminal Procedure Code, the words Criminal Procedure Code Law appear. I would ask that the word "Law" be deleted in accordance with the previous amendment to that law.

QUESTION PUT: AGREED: CLAUSE AS AMENDED PUT AND AGREED TO.

CLERK: Clause 13: Criminal Jurisdiction.

HON.G.F.WASHINGTON: In Clause 13 (1), Mr.Chairman the same consequential amendment in the second line of sub-clause (1) appears Criminal Procedure Code Law and I would ask that "Law" be deleted and in sub-clause (2), the same thing, that the word "Law" be deleted. I would also ask for the addition of a sub-clause (4) in accordance with the re-print which I will ask to be distributed to Members.

ASSISTANT CLERK: This and was sent to us by the Clerk.

HON.G.E.KAMPHUMPHU: The reason for this addition, Mr.Chairman, is that by virtue of the changes which we have made in our judicial processes the Grand Court retains a power of trial on information, that is to say, with a jury, but we have certain anomalies in our law, for instance, in the Gambling Law, the petty offence by gambling is stated to be tried Summarily by the Grand Court and having regard to the changes which we have made, namely all summary offences to be tried in the Summary Court, and indictable offences in the Grand Court, it is necessary to provide that whenever these anomalies appear, if a case being tried summarily by the Grand Court, it should be tried in the Summary Court. So I'd ask that sub-clause (4) be added to Clause 13.

MR.CHAIRMAN: The amendments to Clause 13 are the deletion of the word "Law" in the second line of sub-clauses (1) and (2) and the addition of a sub-clause (4) as follows -

> "Where under any provision of any other law an offence is to be tried summarily by the Grand Court such provision shall operate as if But the words "Grand Court" there were substituted the words "Summary Court".'

QUESTION PUT: AGREED: CLAUSE 13 AS AMENDED AGREED.

CLERK: Clause 17: General issue of process.

HON.G.F.WASHINGTON: In Clause 17, Mr.Chairman, the same consequential amendment by virtue of the changing of the title of Criminal Procedure Code I'd ask for the word "Law" to be

HON.G.E.WASHINGTON (COOKTOWN): deleted in the fourth line of sub-clause (2).

QUESTION PUT: AGREED: CLAUSE 17 AS AMENDED AGREED.

CLERK: CLAUSE 22: General provisions as to practice and procedure.

HON.G.E.WASHINGTON: Similar amendment in the fourth line to clause 22, Mr.Chairman, that the word "Law" after Criminal Procedure Code be deleted.

QUESTION PUT: AGREED: CLAUSE 22 AS AMENDED AGREED.

CLERK: CLAUSE 26 Record of proceedings.

HON.G.E.WASHINGTON: A similar amendment to sub-clause (2), in the sixth line of sub-clause (2), Mr.Chairman, the word "Law" after Procedure Code be deleted.

QUESTION PUT: AGREED CLAUSE 26 AS AMENDED AGREED.

CLERK: CLAUSE 30 Procuring attendance of witnesses.

HON.G.E.WASHINGTON: A similar amendment to sub-clause (2) Mr.Chairman, in the last line, the word "Law" be deleted after the word "Code".

QUESTION PUT: AGREED: CLAUSE 26 AS AMENDED AGREED.

CLERK: CLAUSE 30 Prisoner as witness.

HON.G.E.WASHINGTON: A similar amendment to sub-clause (2) of that clause, Mr.Chairman, the last word of this sub-clause, "Law" be deleted.

QUESTION PUT: AGREED: CLAUSE 30 AS AMENDED AGREED.

CLERK: CLAUSE 38 Criminal appeal.

HON.G.E.WASHINGTON: In the fourth line of that clause, the same Amendment, Mr.Chairman, the word "Law" be deleted.

QUESTION PUT: AGREED: CLAUSE 38 AS AMENDED AGREED.

CLERK: CLAUSE 54 Repeal, consequential amendments and transitional provisions.

HON.G.E.WASHINGTON: The same amendment to sub-clause (4), Mr. Chairman, in the third line of sub-clause (4) the word "Law" should be deleted.

QUESTION PUT: AGREED: CLAUSE 54 AS AMENDED AGREED.

BOOKS ASSUMED
AUTHOR INTRODUCED

HON.G.E.WASHINGTON: Mr.Speaker, I have to report that a Bill entitled the Summary Jurisdiction Bill was considered by a Committee of the Whole House and the following amendments were made thereto -

In Clause 2, in the definition of "criminal procedure code" the word "Law" was deleted after the word "Code" in the last line.

HON.G.E.HADDINGTON (CONTINUING) In clause 13 a similar amendment was made to clause 13, sub-clause (1) in the second line the word "Law" was deleted
In sub-clause (2) the second line the word "Law" after the word "Civil" was also deleted.
A new sub-clause was added to clause 1: as appears by the printed motion circulated to the members.
In Clause 17, in the fourth line the word "Law" was deleted after Criminal Procedure Code
Similarly, in clause 22 in the fourth line the word "Law" was deleted after Criminal Procedure Code
In clause 26 (2), the sixth line the word "Law" was deleted after Criminal Procedure Code
In clause 26 (3), similarly, the word "Law" was deleted at the end of the clause
In Clause 30 (2) the word "Law" was deleted at the end of the clause
In Clause 34 the word "Law" was deleted in the fourth line
In Clause 36 sub-clause (4) the word "Law" was deleted from Criminal Procedure Code in the third line.

Those were all the amendments made in Committee.

MR.PRESIDENT: The Bill having been reported out of Committee is deemed to have been read the Third Reading.

THIRD READING

CLERK: THE SUMMARY JURISDICTION Law.

MOVED BY HON.G.E.HADDINGTON SECONDED BY HON. D. V. MILLER

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

THE LAW REVISION BILL

INTRODUCTION AND FIRST READING

CLERK: THE LAW REVISION BILL.

HON.G.E.HADDINGTON: Mr.President, I beg leave to introduce a Bill entitled the Law Revision Law.

HON.D.V.MILLER: Second.

QUESTION PUT: AGREED: BILL INTRODUCED AND GIVEN A FIRST READING.

SECOND READING

CLERK: THE LAW REVISION BILL.

HON.G.E.HADDINGTON: Mr.President, I beg to move, Sir, the Second reading of a Bill entitled the Law Revision Law.
As the Memorandum of Objects and Reasons states, Mr.President and Members, after the Legislative programme which the Legal Department is now involved in, has been completed, the major part of the present revised laws of the Cayman Islands which are set out in three bound volumes, will become obsolete by reason of the repeal and the replacement of several of those laws. In addition to this, nearly all the laws which were published in or since 1963, which it is intended to retain, have been amended in some form or other and, indeed, some of them are already out of print, and so it is proposed, Mr.President and Members , to publish new laws in loose - leaf form, so as to enable them to be fitted into binding covers so that after 1974 it will

HON. GEORGE GRIMMOND: (Continued) not be necessary to issue annually bound volumes of the laws, which has been found to be of great expense.

Now along with the publication of new laws which will be published as supplements in the Gazette, it is proposed also to re-publish existing laws as amended and revised laws, which can also be fitted into the binders and it is hoped that at the conclusion of this process that all the laws will then be in the loose leaf form, bound in these special covers, and kept in alphabetical order. And another feature, another good feature of this loose leaf procedure will be that the regulations which are made pursuant to each law, can also be put in the binders right next to the law under which such regulations were made, and then at the end of each year a subject matter index will be published.

Now the purpose of this law, Mr.President and Members, is two fold, and at the same time limit and control the re-publication of existing laws as revised, amended and, in certain cases, consolidated form. By so doing, instead of having a law in three or four laws, because of several amendments made, the amendments will be incorporated in the revised law and consolidated therein and we will then have, in effect, a revised law right up-to-date containing all the necessary amendments. This procedure, it is hoped, will result in a great simplification of the work of those who have to consult our laws, instead of having to wade through a mass of different statutes, they will have a revised and up-to-date edition of the law in this loose leaf form.

The cost of the re-publication, it is anticipated, will be about $19,000 of which it is hoped that a goodly portion of that amount will be off set by sales to the public of the revised laws and I would commend this bill, Mr. President, to the favourable consideration of members.

HON.D.V.WALLACE: Second.

QUESTION PUT: AGREED: BILL STOOD A SECOND READING.

COMMITTEE THEREON

HON.G.F.GRIMMOND: Mr.President, I beg to move, Sir, that the House resolve itself into a Committee of the Whole House to consider this bill clause by clause and to amend it as may be deemed necessary.

HON.D.V.WALLACE: Second.

QUESTION PUT: AGREED: HOUSE IN COMMITTEE

CLAUSE 1: CLAUSE 1- Short title.

QUESTION PUT: MOTION: CLAUSE 1 PASSED.

HON.M.M.O'REILLY: Mr.Chairman, just before we leave this clause - isn't it common for us to say "shall be published" in conformity with the other laws?

HON.G.F.GRIMMOND: This law didn't follow that form, Mr. Chairman. Under the Interpretation Law, the law comes into force on such date as it is published in the Gazette. Whenever it is published, it comes into force, in other words, after it has been executed no there need not be any special notification of a date on which it comes into effect. It will come into effect the moment it is published in the Gazette, after assent.

CLERK: Clause 2 Interpretation.

QUESTION PUT: AGREED: CLAUSE 2 PASSED.

CLERK: Clause 3: Governor may authorise re-publication of laws in distinct form.

QUESTION PUT: AGREED: CLAUSE 3 PASSED.

CLERK: CLAUSE 1 Powers of the Governor

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: A BILL TO PROVIDE FOR THE RE-PUBLICATION OF STATUTORY LAWS AS AMENDED AND REVISED FROM

QUESTION PUT. AGREED: TITLE PASSED.

BILL BE REPORTED

REPORT DIVISION

HON.C.B.WRIGHTSON: Mr.President, I move to report that a Bill entitled the Law Revision Bill was considered clause by clause by a Committee of the Whole House and passed without amendment and accepted.

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

ADJOURNMENT

HON.C.V.WALKER: Mr.President and honourable Members, we have now come to the end of the business for the day and I therefore move that the House adjourn until tomorrow morning at 10 o'clock.

HON. G. F. MARRINGTON: I beg to second that motion.

MR.PRESIDENT: I think the Honourable Attorney-General seconded that very wholeheartedly this morning.

QUESTION PUT: AGREED, AT 9.05 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY MORNING, THE SEPTEMBER, 1975.

PRESENT WERE:-

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

GOVERNMENT AND OFFICIAL MEMBERS

HON.D.V.MACLEAN, CBE.,JP	FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS
HON. C.E.MACCARTHY,CBE.,QC.	SECOND OFFICIAL MEMBER AND ATTORNEY-GENERAL
HON.V.G.JOHNSON,OBE	THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY
HON.A.B.HUGH,J.P	SECOND ELECTORAL DISTRICT (Georgetown) NOMINATED FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, (Essequibo Islands) AND NOMINATED FOR LEEWARD ISLANDS CO-ORDINATION AND INFORMATION.
HON. BERNARD O.REVANKS	EIGHT ELECTORAL DISTRICT, (West Coast) NOMINATED FOR SOCIAL SERVICES, EDUCATION, HEALTH AND LABOUR.
HON.M.M.CHARTLEY,OBE.,JP	SIXTH ELECTORAL DISTRICT (East Coast) NOMINATED FOR TOURISM, LANDS, NATURAL RESOURCES, MINES AND SURVEYS.

ELECTED MEMBERS

MR.T.M.LEE-CHUNG,CHR.,JP	FIRST ELECTORAL DISTRICT, WEST D'U
MR.JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST D'U
MISS ASHLEY E.MCTOMEY	SECOND ELECTORAL DISTRICT, GEORGETOWN
MR. CLAUDE M. NICE	SECOND ELECTORAL DISTRICT, GEORGETOWN
MR. JAMES W.BOLDEN	FOURTH ELECTORAL DISTRICT, GEORGETOWN
MR. C. [illegible]	FOURTH ELECTORAL DISTRICT, GEORGETOWN
MR. CHARMICK STOOKE	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT.E.A.DAIC	(WITH APOLOGIES), OVERSEAS FOR MEDICAL AID

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ORDER OF THE DAY

THURSDAY, 4TH SEPT. 1975

10 A.M.

1. CONFIRMATION OF THE MINUTES OF THE SECOND MEETING OF THE (1975) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THE 24th, 25th, 26th and 27th JUNE, 1975.

2. TO BE LAID ON THE TABLE: THE DIRECTORS' REPORT AND AUDITED ACCOUNTS OF CAYMAN AIRWAYS, LIMITED FOR THE YEAR ENDED 30th SEPTEMBER, 1974. BY HON W. S. JOHNSON,OBE., THIRD OFFICIAL MEMBER.

3. PRIVATE MEMBER'S MOTION -

AMENDMENT TO THE LAND ADJUDICATION LAW (LAW 20 of 1971)

TO BE MOVED BY MISS ANNIE BODDEN (FIRST ELECTED MEMBER FOR GEORGE TOWN)
TO BE SECONDED BY MR. CRADDOCK BODDEN (ELECTED MEMBER FOR NORTH SIDE)

WHEREAS Section 15 (2) (a) of the Land Adjudication Law 20 of 1971 reads -

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 OTHER PARTS OF SUCH PARCEL SHALL BE DEEMED TO IMPLY POSSESSION OF THE SWAMP OR CLIFF LAND ALSO"

AND WHEREAS on several occasions the view has been expressed by two different Grand Court Judges and Counsel for the persons who have appealed from the Land Adjudication Tribunal, that the term 'local custom or otherwise" is too vague, and the Court has been put to grave disadvantage in determining what is actually meant, and what interpretation should be put to these words:

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to "custom" under the Common Law of England. CUSTOM (in this sense) was abolished in the year 1189, and that the Cayman Islands were settled Colonies in the year 1503 or thereabouts:

AND WHEREAS this situation has led to confusion and disadvantage to land owners who have appealed to the Grand Court, and is a reflection on legislatures, and has never so expressed:

AND WHEREAS at the Meetings of Select Committees held to deal with this draft Bill, before its enactment, some of the Legislators proposed that "local custom' should be defined as follows:-

"The One-Half of all Swamp, Cliff and Button Wood Land should be equally divided between adjoining 'Dry Land' owners, as was the local custom previously".

but this was not acceptable and not adopted by the majority:

AND WHEREAS complications have now arisen from these words "local custom", not being properly defined:

BE IT RESOLVED that steps be taken to have the section :6 (2) (a) so amended in such a manner that it will be clearly defined that the meaning of "local causes" in that, ONE HALF OF ALL SHARP,CLIFF AND BARROW ROCK LAKE be equally divided between adjoining Local Councils, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next sitting of the Legislative Assembly in November, 1975 to be dealt with

AND BE IT FURTHER RESOLVED That the word "otherwise" be also defined in the amendment, so as to avoid any future conflict.

4. GOVERNMENT BUSINESS:

THE LAW REVISION BILL — Third Reading

THURSDAY, 4TH SEPTEMBER, 1975

10 A.M.

MR. PRESIDENT: Please be seated.
Prayers/Hymn were sung. The first item on the Order of the Day - Confirmation of the Minutes of the last Meeting.

CONFIRMATION OF MINUTES OF MEETING ON 24TH, 25TH, 26TH AND 27TH JUNE, 1975

HON. V. WATLER: Mr. President and Honourable Members, I would like to move the confirmation of the minutes of the Legislative Assembly held on the 24th, 25th, 26th and 27th June, 1975.

HON. G. E. McDOWALL: I beg to second that motion.

QUESTION PROPOSED:

HON. M. O. BANKS: Mr. President, before confirmation of the minutes I would like to move a few amendments to these minutes. In the minutes of the 25th June, page 16 and 17. Page 16 the second paragraph, line 3 in the sentence which reads "well this home is being built on the guarantee that Government will", the minutes quotes "start the home", that should read "staff the home". And page 17 third paragraph seventh line in the sentence beginning on the sixth line "because, if we are forced if this recession arises to raise", that should read "to rise". On the 26th of June, about midway down the page where I am giving a reply - the relevant section is "Mr. President, bitter experience has proven that to recruit someone who is unseen and unknown can be more expensive than the (the minutes read "the purchase sum"! the word is the "paltry sum". On the 27th June page 34 - I am requesting, Mr. President that in order for this to convey what was said - this is in the third paragraph, eighth line, that after the word "break", where it is said would get a fair break, I am requesting that a full stop be placed after the word "break", and the "i" in "if" be made a capital and the full stop be removed after the word "innocent". Those are the amendments I would move to be made to the minutes Mr. President.

MR. PRESIDENT: These are understandable errors in transcribing from taped records, unless there are any objections from the Clerk or from Members, I would suggest that these amendments be made in the minutes.

QUESTION PUT: AGREED. MINUTES CONFIRMED AS AMENDED.

MR. PRESIDENT: We will proceed to item two on the Order of the Day.

DIRECTORS' REPORT AND AUDITED ACCOUNTS OF C.A.L.

HON. V. G. JOHNSON: Mr. President and Honourable Members, I beg to lay on the table of this Honourable House the Directors' Report and Audited Accounts of Cayman Airways Limited for the year ended 30th September, 1974.

SECONDED HON. V. V. WATLER

MR. PRESIDENT: So ordered.
Proceed to item three Private Member's Motion.

PRIVATE MEMBER'S MOTION - AMENDMENT TO LAND ADJUDICATION LAW

MISS ANNIE H. BODDEN: Mr. President, first of all I would like to apologise for not being here yesterday. I had to attend Court, and I

MISS ANNIE M. BODDEN (CCMIRA): had hoped to get here in the afternoon but there was no Session. I am sorry that I missed the morning Session but it was due to circumstances.

Mr. President and Members of this House, I beg to move the following resolution standing in my name as follows: WHEREAS Section 12 (2) (a) of the Land Adjudication Law 21 of 1971 reads:

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 OTHER AREAS OF SUCH PARCEL SHALL BE DEEMED TO IMPLY POSSESSION OF THE SWAMP OR CLIFF LAND ALSO"

AND WHEREAS on several occasions the view has been expressed by the Different Grand Court Judges and Counsel for the persons who have appealed from the Land Adjudication Tribunal, that the term "local custom or otherwise" is too vague, and the Court has been put to grave disadvantage in determining what is actually meant, and what interpretation should be put to these words:

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to "custom" under the Common Law of England, CUSTOM (in this sense) was abolished in the year 1189, and that the Cayman Islands were settled colonies in the year 1503 or thereabouts:

AND WHEREAS this situation has led to confusion and disadvantage to Land Owners who have appealed to the Grand Court, and is a reflection on Legislators, and has been so expressed:

AND WHEREAS at the Meetings of Select Committee held to deal with this draft Bill, before the enactment, some of the Legislators proposed that "local custom" should be defined as follows:

"That One-half of all Swamp, Cliff and Bottom Wood Land should be equally divided between adjoining "Dry Land" owners, as was the local custom previously",

but this was not acceptable and not adopted by the majority:

AND WHEREAS no complications have ever arisen from these words "local custom", not being properly defined:

BE IT RESOLVED that steps be taken to have the Section 12 (2) (a) as quoted amended in such a manner that it will be clearly defined that the meaning of "local custom" is that, ONE HALF OF ALL SWAMP, CLIFF AND BOTTOM WOOD LANDS be equally divided between adjoining Land Owners, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with.

AND BE IT FURTHER RESOLVED THAT the word "otherwise" be also defined in the amendment, so as to avoid any future conflict. I beg to move that Sir.

MR. G. HAIG BODDEN: I second this Motion.

MR. PRESIDENT: The Motion as set out in the Order of the Day, has been moved and seconded, and is now open for debate.

MISS ANNIE M. BODDEN: Mr. President and Members of this House, I sincerely hope that it will not be taken that I have any personal axe to grind in this matter. I, as the whole Island knows was at the time of the Land Adjudication Law, opposed to that Law, not opposed to the Law as a Law, but opposed to certain stipulations which were contained in that Law. My objection then, and still is that instead of one adjudicator we should have had tribunal with three, the majority of two being the decision given by the majority. Of course

MISS ANNIE E. HOOKER (cont'd.): on the only lawyer being in the Cayman Islands that the Land Adjudication Bill ever cost one penny. It cost me $1,575.00 plus being tortured in the Court House for three days. But I am very proud that that's God the sin that was set in view to collapse me in the Court House failed.

Now I bring this Amendment for the weal of the people of the Cayman Islands. The resolution speaks for itself and I feel that we should not hesitate to correct something which needs correction. I have been in court on several occasions concerning Land Adjudication Appeals in one instance a Judge not permanently on the Island said this thing you call a Law, what kind of a Law is this. Well it is submitted there is a Legislator sitting in Court that was responsible, of course I kept my mouth shut. I have had two since, and this particulare question had come up - what is meant by "local custom" - two different Judges have expressed that it should have been properly defined. They say "local custom" as far they are concerned has no meaning what so ever. Not too long ago I had a case, and the then Judge said that it means something, the opposing Lawyer said it can mean nothing, we are at sea. Well, I think a situation such as this needs correction, and I feel that if in the first instance our sentiments had been taken into account, and this definition had been put in the Law we would not have had to come here to make such an amendment.

I am not casting any reflections on any body, but I feel that when we as Legislators make simple suggestions knowing customs, knowing land as we should know it that our suggestions, our recommendations should be taken into account. I heard a famous Judge express himself once in the Court room "everyday I learn something, sometimes it is even from a little child". Well, I feel that the Legal Department can learn something from us - grown up people and I am asking Sir, that this resolution be favourably considered and the adjustment as asked for made. Now I repeat, I have no axe to grind personally, but I represent the people of the Cayman Islands although I was told not long ago by a certain person "don't invade in West Bay you have no business there", I said I represent the Cayman Islands, and as such I feel that it is my duty to bring such an amendment, or request it - I can't say that it will be put through, I hope it will, but you never can tell.

I personally have eight pieces of land, no swamp land, no cliff, no button wood, I have absolute titles of five pieces, the other three have not yet been adjudicated on, but I am very sure that it will not fall where any discrimination have to be made because I have swamp, cliff or button wood. I feel that we should very seriously go into this matter, and I hope that it will be supported. Thank you Sir.

MR. JOHN GETTEMAN: Mr. President and Honourable Members, I rise to the motion before us brought by the First Elected Member of George Town, proposing an amendment to the Land Adjudication Law 20 of 1971.

The purpose that is being brought this amendment, as far as I am concerned I congratulate the Lady Member for thinking, but on the other hand at this stage, being this late in the game I fail to see the necessity of such an amendment.

There has been a tremendous amount said in opposition to the Land Adjudication Law which will shortly be completed. I think that too few times in this country responsible people fail to give credit where credit is due. In an Island of thirteen thousand people - the number of disputes that arose in the Courts of the Cayman Islands as far as I am concerned were disputes that would no doubt be accredited or attributed to a populace of two million people. No responsible Government any where in the World could ignore the need for Government to take steps to try to bring

MR. JOHN JEFFERSON(CONTD.): about calmness, or try to resolve this situation.

I feel Mr. President that this Government and Members of this Legislature should be congratulated for the fact that they/what was necessary, that the steps that were taken, were steps that we can look back today and certainly say that it has been steps in the right direction. If we would step back to 1971, or no doubt 1970 - myself being one Member if this Chamber at that stage that advocated that at least two Members of this Assembly be sent to the Turks and Caicos Islands where this/had been brought about. Government making sure that the course which we were about to embark upon was a sound one, Government did nothing to oppose the proposal brought forth - myself and another Member of this Assembly and/or the Administrative/of the Cayman Islands Government embarked on a trip to the Turks and Caicos Islands. What I saw in the Turks and Caicos Islands, Mr. President, convinced me that. What was needed for the Cayman Islands was a Law similar to this, where we would strive in a short time to bring these disputed areas to a halt.

I think the Land Adjudication Law has worked well. I have heard a lot of Members in this Chamber, I've heard some say that the Land Adjudication process will never be over in this Island. The Land Adjudication as far as I am concerned, Mr. President is over one-thirds over in these Islands. Speaking from a very personal experience, I believe if I am correct in the District of West Bay there was something like - over 6,000 parcels of land, and to my knowledge there has been a very minimal amount of people not over three or four cases out of about 6,000 that have arisen in dispute, and no doubt is still in Court now resolved yet. But I think that when you can deal with something on that ratio when the batting average is that much, in favour of the Adjudication process, it shows that the Law is working, it/worthwhile and it will be a short time before the Land Adjudication process would have been completed.

This has been a great worries to Legislature, this has caused/many times Mr. President to re-think our position. This has caused us many times to question our selves - but, I go back to the thought I've always had, and that is that the decisions that had been made in the last several/and are being made today are being/for the benefit of the people of the Cayman Islands as a whole. I think that the people of the Cayman Islands have stood to benefit by the Adjudication process. There has been as far as I am concerned, and I must be very frank, after all I am elected by the people of these Islands and as far I am concerned I want to quite honest in all my representation, and I must say that I feel that it has been many instances in this Island under this process that people have walked away with lands that didn't really belong to them, but that is the system that is what has been done so far, that is the way it is at this stage and what else can we do about it. Still before the process Government didn't know what they had and a lot of private people didn't know either what they had; when this process is finished certainly Government will know what they've got/and will everyone of us.

Prior to the Adjudication process and the Land Law Registration system there were many instances in these Islands when people were waiting six/to a year to be able to have the title to their land searched, and to secure and establish a title to which they maybe to go a financial institution to borrow money, and sometimes six months to a year this process was still being done, and many times even/that stage nobody could guarantee that position. Now Mr. President, under this system when it is completed we can go - right now to the Land Registration system and in a very short time one can establish what is his, and what belongs to somebody else.

I would not advocate this amendment, neither could I support it in all sincerity, because I cannot see something that is beneficial so far, no more probably 6 or 7 thousand people, or they have been judged by this 6 or 7 thousand people that

MR. JOHN JEFFERSON (CONTD.): now in the middle of the game we're going to change the rule, and so those first 6 thousand would not have benefited, if there is any benefit to be derived, and I Mr. President, at this stage could not support amendment in that - judging from those instances.

It is, Mr. President, no doubt a fact that Judges in the Grand Court, or any Court might disagree, or might criticise laws being made by laymen. Because you look stupid in this Chamber I don't see any geniuses. I am not sure for instance of the Second Official Member, I only know what I had the legal knowledge of either one of the three in their official capacity, but judging from the twelve Elected Members in this Chamber, I see very few that has a lot of legal knowledge. Now, Mr. President, the reason why we have sitting/the Chamber the Second Official Member is because we see the need of having legal guidance, and I feel we have benefited by the legal guidance that has been provided by the Legislature in this country and the country as a whole. And as far as I am concerned if this Law has worked as well as far as long, I can't at this stage see the benefit in changing, or making any amendments to it at this late in the game.

Under the Common Law custom, I say again I feel that a number of cases what people that have started out with 6 or 8 acres of land and they would go with 10 or 12 or 14 or 15 dealing with swamp land, well that's finished. But I feel that any time that anybody in this country be it Government or anybody else gets anything that doesn't really belong to them, if land is in the Crown well I know that it benefits the people of these Islands, if it comes to me as well I reserve the right to do what I like with my own land. So, Mr. President, on the position of this the 'local' custom" up until now the people have benefited far more than Government. Government has never placed at a disadvantage if I would have it so, and the people have given every opportunity and very provision, and the scales tilted in benefit of the private sector over Government on the Land Adjudication process. I totally disagree that - as I said also dealing with something like 6,000 parcels of land in one District alone, and something like three or four disputes, I can't/where there is any more confusion in the Court, and as far I am concerned, Mr. President, I would not be able to agree in this amendment, I feel that it has worked and is working well, it's almost over and as far I am concerned, I am completely happy with the Land Adjudication process.

Thank you very much.

BOX. C. E. MILLER: Mr. President and Members of this House. This motion is concerned with the proviso to Section 16 (2) (a) of the Land Adjudication Law, 1971, and the first observation that I would make is that this provision cannot be read in isolation, but must be read in conjunction/the first part of Section 3, and that in turn must be read in conjunction with Sub-section 1 (1) of Section 16.

Now Sub-section 1 (1) it will be seen provides that the Records Officer can record a person as the owner of a parcel of land with absolute title if he is satisfied that such person is in open and peaceful possession of the parcel, and has been in such possession by himself or his predecessors in title for an uninterrupted period of twelve years or more. Now the term possession in Law is one that has given rise to/great deal of legal argument and judicial decisions and much controversy, and so it was for that reason in my submission that Sub-section 3 (a) was put in this Law, and that/order to avoid all those arguments and controversies as to the meaning of this word 'possession", and Sub-section 3 (a) provides that a person is to be deemed, that is say to be presumed to be in possession of land if certain/other, and that in terms of all

MOHD. S. K. KHOOTHOON (contd.) ...if he does not acknowledge the title of any other person to that land, and/himself, his agent, tenant or servant, actually uses or has used the land to the exclusion of the public, and I must emphasize the words "actually uses or has used the land", and then follows the proviso which is the subject of this motion. That proviso is that provided that where it is established and in parenthesis are the words (whether by local custom or otherwise) those words are in parenthesis 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. Now I mentioned that the words (whether by local custom or otherwise) are in parenthesis that is as may it is merely - the person has to establish that a parcel/includes an area of swamp or cliff land, and that if he has used the other areas of such lands, then that user is deemed to include to imply possession of the swamp or cliff land. It doesn't matter how he establishes it, he can establish it in any manner whatever, but the Law provides that he can also do it by establishing a local custom or in any other way.

Now the reason in my submission, Mr. President and Members for this proviso is this that it is recognised and accepted that a parcel of land might comprise an area which consists of swamp or cliff land, which by the very nature of such land cannot be made use of, that no actual use can be made of it, and so it could be argued that without some further provisions the owner of such swamp or cliff land would not be deemed to be in possession of such land under Sub-section 2 (a) because for the simple reason that he had made no actual use of such land, and in such cases it is very likely that the Adjudicator would find that as you have not made any use of the land it would not be deemed to be in your possession and so it should be adjudicated to the Crown, and so in my submission it was for that reason that the proviso was added so as to provide/where it was established that a parcel/included an area of swamp or cliff land, then the occupation or the use of the usable areas, the dry areas and the other usable areas could be deemed to imply possession also of the swamp and cliff areas.

The crux of this motion concerns the method of establishing that a parcel of land includes an area of swamp or cliff land, and the proviso allows this to be done in any way that/person can do it, whether by "local custom or otherwise", and the motion asks that the words "or otherwise" should also be defined in addition to the words "local custom", and so I shall deal first with the words "or otherwise" which really do not require much for me to say about "or otherwise" simply means in any other way. It can be done by local custom; it can be done in any other way. For example, an owner of a parcel of land may/he may be able to establish the inclusion in his parcel of an area of swamp or cliff land by producing documentary evidence to that effect, he may be able to produce a conveyance or any other deed which shows that the parcel of land which he has actually includes another area, an area of swamp or cliff, and if he succeeds in so showing then he would have established that his parcel included the area of swamp or cliff. If he has no document to show he could establish it by evidence of persons who/gives positively to the fact that his parcel includes an area of swamp or cliff land, so that is/all that the words "or otherwise" means - in any way that the person can establish it, he is entitled to do so.

Now this brings me to the words "local custom" and in dealing with local custom I should like first of all to refer to the provisions of this Law which appoints the Adjudication Tribunal, and perhaps I should make a general observation that the whole purpose of the Land Adjudication Law was to provide a system for the adjudication of titles to lands so as to enable a body - a tribunal to be able to listen to disputes as regards titles, as regard boundaries etc., and to come to a decision as ownership in

Hon. G. B. McLaughlin (Deputy Speaker): to quiet and settle these disputes, and in order to provide for a system whereby the titles can become certain and be registered, and from that time forward there should not really be any dispute whatever as regards title, because one would then only have to go to the register that is set up to register these titles to see exactly who owns what, and how much. I go back again to the Section which appoints the Tribunal, and that is Section 4. Now under that Section the Tribunal consists of an Adjudicator and two Assessors; and the Law says that the two Assessors must have local knowledge of the particular adjudication area for which they have been appointed, and the Section provides that although the Adjudicator need not accept the advice of his Assessors he must nonetheless consult with them and consider their opinions on local matters, customs and conditions; for example what maybe an accepted usage or custom in West Bay would not necessarily be so in East End or indeed in North Side, or Little Cayman or Cayman Brac. And so it is/ these Assessors are appointed for each adjudication area in the expectation that they will have [are] knowledge of the particular area for which they have been appointed, they will know all the customs and all the usages that exist in that area, and they can/give the necessary advice to the Adjudicator when any particular matter comes before him for adjudication.

I should like also to refer to Section 15 (2) of the Law which provides that when the Adjudicator is adjudicating upon a dispute as to any boundary he must have due regard to any Law or local customs and conditions which may be applicable, and there again when he is adjudicating if he is to have regard to these local customs then he has to rely on his Assessors, the people who have been appointed from the particular area to advise him as to what local customs exist in that particular area, and I should also like to refer to Section 10 Sub-section (1) of the Law which provides that the Adjudicator and the Records Officer in the exercise of their respective functions may in their absolute discretion - note the words 'absolute discretion' admit evidence which would not be admissible in a court of law and may use evidence adduced in any other claim or contained in any of their records and may call evidence even on their own motion. Now that Section is a very important section, because it/designed to give the Adjudicator an extremely wide discretion, and to enable him to arrive at his decision without having regard to the niceties of law, without having regard to the niceties of the law of evidence particularly which a clever lawyer can make use of and by properly presenting it prevent, perhaps a person who has, perhaps an equitable right to be registered as the owner from being so registered.

So the whole object of this Law Mr. President and Members, is to provide as simple and as easy a method of adjudicating Titles and clearing up the awful confusion which existed in these Islands, as regards title to lands before this Law was enacted. Now having said this I think it should be fairly clear that the only custom which the Land Adjudication Law deals with must be the local custom of the Cayman Islands. Surely it can have nothing whatsoever to do with customs under the Common Law of England. Indeed the motion speaks for itself - says that it has been expressed in open Court that the customs that exist have cannot be the Common Law custom of England.

However there is one respect in which the motion is defective, and that is that the motion says that whereas it has been expressed in open court that local custom or otherwise could not refer to customs under the Common Law of England custom in this manner was abolished in the year 1189. Now that of course is not correct, and custom still exists in England and even at this present day it is possible for a custom to be established in

HON. S. B. HARRINGTON (Cont'd.): England by the necessary proof. But I think that perhaps the power of the notion has a bit confused over the significance of the year 1189. In order to establish a custom at Common Law in England at the present time it is necessary to show that it existed from time immemorial or as the lawyers would say from time whereof the memory of man runneth not to the contrary. Now the decisions of the courts over the years from the very earliest time have fixed that particular period of time as being the year 1189 which was the first year of the reign of King Richard the First. Now quite obviously it would be extremely difficult for any one at the present day to try to prove that a custom existed from the year 1189, and so the courts over the years have adopted a fiction that if it can be shown that a custom has existed for as long as living memory can go then it will be presumed that it existed from the year 1189 unless it can be shown that it would not, indeed, have existed from that year. As for example, if there was direct evidence that the particular custom had come into existence at some time since the year 1189, in which case the presumption could not be made.

Now, from this I think it should be clear, as I mentioned before, that the English Common Law as to custom has no application to the Cayman Islands, for the simple reason that the Cayman Islands became a settled colony long after the year 1189, so that it would be quite impossible to prove that any custom existed here from the year 1189, and that being so, then a custom, according to the Common Law of England could not be established in the Cayman Islands and it is my submission that it is for this very reason that the Land Adjudication Law uses the words, not common law custom or custom according to the Common Law of England, but "local customs", that is to say, a custom which is peculiar to a particular locality of the Cayman Islands and which can be established by a process somewhat analogous to the Common Law process in England, that is to say, if it can be shown that any particular custom existed as far back as living memory can go, then it would be my submission that if the Adjudicator was satisfied that that custom existed then he would be justified in making a finding that the custom did, in fact, exist, and in that respect, that is where his assessors come in, and that is where his assessors would advise him in any particular case that in this particular area there is such and such a custom and the Adjudicator, if he accepted their advice, would find the existence of such custom.

Now, if what I have submitted is a correct interpretation of the term "local custom" then what follows from that, if the Adjudicator in any particular case found that a local custom had been established, then that would be a finding of fact by the Adjudicator - he finds as a fact because of the evidence before him, the evidence given by people who have sworn that as far as their memory go, old people, that such and such a custom existed, if the Adjudicator accepts that, after having taken the advice of the assessors, then he finds as a fact the existence of a custom. If he rejects it, he finds as a fact that no such custom exists, and the significance of his finding, the importance of that finding is that it is finding of fact from which no appeal lies to any Court, no appeal lies to the Grand Court, no appeal lies to the Court of Appeal in respect of such a finding. And so, I find it extremely difficult to appreciate why the Grand Court or any Judges of the Grand Court should be particularly concerned about the existence or otherwise of a local custom, because appeals

HON.G.T.MCCORKINDALE [INTERRUPTING] only to an point of law.

Now, in my view to amend the section in the manner which it is proposed in the motion would mean that the Law would then give statutory effect throughout the entire Cayman Islands to what, in fact, may be a custom only in certain particular localities, and that, I do not think, would be correct because if a custom was found to exist in Grand Cayman - that is the law now stands, that custom would be given effect to, but if the section was amended as the motion suggests, requests, then that custom would become a general custom throughout the Cayman Islands and would apply not only in Grand Cayman, but in Little Cayman and in Cayman Brac as well, something which might not, in fact, be a custom in those areas. And another difficulty would arise. I think I will refer a little later on to a particular decision which was made by the Adjudicator which emphasizes the difficulties which could arise with such a definition as proposed in the motion in cases there were owners of several parcels of adjoining dry land and with irregularly shaped boundaries and with an irregularly shaped swamp. Considerable difficulty would arise in deciding exactly how the half of intervening land should be divided.

Now, at this stage, Mr.President and Members, I would like to quote from the decision to which I just referred. Now this was a decision of the Adjudicator and it shows that, so far as he is concerned, we experience no difficulty whatever on this question of local custom, and the decision in that particular case which was one of several cases in which the Crown had petitioned in order to claim land which the Seconds officer had awarded to the Crown and favour of private individuals, and this was what the Adjudicator had to say - in the course of his decision - I'll just read the relevant portion - He asked himself the hypothetical question - he says -

"Is half way into the swamp an accepted custom in all cases between adjacent dry land owners My assessors whose advice I am not bound to abide by, tell me it is. But since they are appointed specifically to give me advice upon local custom, I would/to have very serious misgivings for not taking their advice, and then he goes on with the decision and towards the end of the decision he says this "I accept that the custom in that swamp land lying between the dry land is shared on a half and half basis between the dry land owners, and that there is no known or agreed limit upon the amount of swamp land which may be so shared, that this custom makes for considerable difficulty in division where the swamp is of irregular shape and where the dry land owners are putting the swamp are quite keen that they and themselves have differing measurements or bounds abutting the swamp is obvious, but the very large majority of dry and swamp land owners who have already come to agreement upon bounds without recourse to the Land Adjudication Tribunal is indicative that the custom is honoured and effective".

Now, Mr. President and Members, apart from anything else it seems to me that it is - as I think the Member for West Bay West/Mr.Tibbetts on the motion said that it is rather late in the day to seek to amend this section. The Land Adjudication process has already been completed in large areas of the Islands and it would seem to me to be inequitable to now change the section and thus perhaps affect the rights or the liabilities of land owners the title to whose land have not been adjudicated whereas other land owners have had to submit to adjudication under the present wording. Apart from this there may also be cases in which appeals are now pending and I think it would be wrong to effect a change in the law which might have an adverse effect on one or other of the litigants.

HON. S. S. WASHINGTON (CONTD.): Finally Mr. President and Members, the motion referred to opinions expressed by two Grand Court Judges, and by learned counsel, but it is perhaps unfortunate that we haven't got before us any decision of the Court , any record of the Court in which these opinions were expressed, even although they might have been expressed whilst sitting. The opinions of these learned gentlemen are like any others opinion - their own - they may be right they may be wrong, but at least I think it would be wrong for us to seek to amend this important section of the law merely on the ex cathedra pronouncement of persons, however eminent they may be in the judiciary or at counsel. I think that the time perhaps would come to make this amendment if we had before us a decision of perhaps the Court of Appeal in which the court objected to the section and expressed/view that the section was vague, or impossible of interpretation and I think that it is only if we reach that stage that we should consider making any amendments to this section.

So, Mr. President and Members, for those reasons I find myself wholly unable to support this motion.

MR. S. HAIG BODDEN: Mr. President, it is quite clear from my barometer which way this motion will go. We have heard the Legal opinion, we have heard the Elected Member and anybody who can add two and two will know that automatically there will be eight votes against this motion, the others may as well pack up and go home.. But even if I am in a minority I will exercise my rights to have my say . I can't agree with the two previous/that it is too late in the day to make an amendment. It is never too late to make amends, it is never too late to right a wrong if you believe there is a wrong. I think it is time that we give back to the people the rights and privileges which/enjoyed before the coming of this Legislative monstrosity known as the Land Adjudication Law. This law I believe was the first one in a series of Laws which have been stripping away at the inherit right of our people..

The Law, this Law has many defects, defects which have been brought to light by due process in the Courts and by workings outside of the Court, the law contains anomalies and ambiguities which have been exposed, as the Lady Member said by recent public hearings in the Court. The amendment before us seeks to remove an existing ambiguity in the Land Adjudication Law and it is a very commendable action on the part of the Lady Member who presented this motion. I am surprised that Government itself had not taken the initiative to correct the inconsistencies and the defects in this Law. But we can pardon Government because it has a right to take its time and to move slowly and to function in its timely and prudent manner . But if the Elected Members have and hear what they believe to be defects they must seek to correct the defects by presenting a motion for consideration. So the Lady Member has acted in her capacity as a representative of the people, and has every right to present this no matter how late in the day it may be. I am also happy that I was called upon to second this motion, the darkie for North Side has to be absent in another meeting and I am hoping I can draw him out long enough that he will still be able to throw in his contribution and to make his mark/with the moves of this resolution.

Now for what I have heard the Judges in the Court and the Adjudicators at the Tribunal hearings have been manoeuvred in trying to determine the meaning of Section 16 (2) (a) of the Land Adjudication Law. I have before me six or eight may be six different decisions handed down by the Tribunal some of them were quoted from by the Second Official Member, and in reading them I can clearly see that Section 16 (2) (a) of this

MR. G. HAIG BODDEN (cont'd.): Law is not an easy section to deal with, and if we can/anything to make its terms more explicit we should do.

A few years ago the thought had been expressed that the Cadastral Survey and the Land Adjudication Law would put an end to all our land worries. I am here to tell you that it is just the beginning, and even if the worries are ended when the survey is completed taxpayers will have to begin to worry about the property tax, because the purpose of the Cadastral Survey is taxation. But the situation remains that people who heretofore thought they were owners of swamp lands, Crab and Bottom Land find that they have a new rival in the form of Government. In my possession are many Petitions handed down because Government petitioned the Tribunal in an effort to procure swamp land which had been in the possession of people before the survey. In fact this one here that I am looking at now is a petition that was brought against the First Official Member of Government, but luckily Government did not succeed in its attempt, in its bold attempt to take on to itself this land which according to the decision of the Tribunal was rightfully the possession of the then Official Member. That/Many such decisions have, what I think the Lady Member had in mind in to put an end to this, because what is really happening is that poor people, the man on the street has now to fight to retain the swamp land which he has held.

The land owner should not have to fight Government, this Law could be so clear and so unequivocal that his rights would be guaranteed, his rights would be clearly defined. The proviso which is/subject of the amendment seems to be bent on obfuscating rather than illuminating Section 16, the Lady Members'/amendment would seek to take this much clearer. We must do everything in our power to help preserve Land Values in the Cayman Islands. We are now witnessing a steady decline in our economy, in land sales, in land development and we want to put all the blame on the world recession. But such a Law as this one, together with the preposterous Development Plan must play a part in our recession. So we can't lay all the blame at the feet of the people in Bull Shannt, and the people in London, while we may be doing things here to prevent outside investors from purchasing land which they may not be able to use.

I do not intend to go into these decisions, some of them have been quoted before the Second Member from Bodden Town will read with some of them, but there is food for thought in these decisions. Why were the petitions made in the first place, why has Government not succeeded in more of these petitions? Are they taking advantage of the loop hole in this Law in this section which we are seeking to amend. In dealing with this subject there is one other thought, what about rights of way, when Government got this swamp land in the heart of nowhere are they then going to ask the people to give them rights of way for property they have taken from the land owners will that be right, can they ask access to lands that have/taken from the land owner through whose land they will have to go to reach the newly acquired land. The resolution states that complications have arisen in trying to determine what is meant by this section there has been, confusion and disadvantage to people who have appealed to the Grand Court, all the amendment before the House is trying to make it a little clearer what is meant by the words of the particular Section 16 (2) (a), and I am hoping members in closely and must take the necessary steps to straighten out this section.

Finally in closing I went to make one point and this/is that the proviso states 'provided that where it is established that a parcel of land includes an area of swamp or cliff land, occupation or use of other areas of such parcel shall be deemed

MR. G. HAIG NODDEN: to imply possession" yet in a certain decision it is stated that it is not automatic. Let me read the exact words "The automatic division of swamp land between adjacent dry land owners should not encouraged, and each claim of swamp land examined on its merit pending the political legal decision which is necessary to lay down the guide lines for adjudication of swamp lands on Grand Cayman", so that while the proviso says that where you can establish that any parcel of land includes an area of swamp, or cliff land, occupation or use of the other areas shall be deemed to imply, it seems very straight forward to me, the Adjudicator interprets it by saying that the division does not follow automatically but depends on the political, and what this has to do with it I don't know. Depends on the political contingency. To my mind action has been taken which is contrary to the guide lines laid down in this Adjudication Law, because the proviso specifically states that where you can prove that your parcel of land includes an area of swamp or cliff land occupation or use of the other areas of such parcel shall be deemed/imply possession, yet the powers that be interpret that on page two of the case of Edward S. Seymour, and James Seymour versus the Cayman Islands Government to be that while the Crown is automatically allocated reclaimed land it is clear from the evidence in addition to this hearing that where private individuals are not in possession of good documentary evidence/as the title swamp land, they must prove possession in accordance with the Law, the automatic division of swamp/between adjacent dry land owners should not be encouraged.

So we do tend to assume this, it is quite shaking our eyes saying that the time is too late, because a housewife was unable to serve her lunch at 12 o'clock it doesn't mean that she must not serve it that 3 o'clock, as it is not too late regardless of/the least opinion may be on it, it is never too late to make amends, and I am asking the Members of this House to support this motion which has been put forward by the Lady Member from Cayman Kennard which though a little quite has been amended by me. It is very worthwhile of consideration, and I think the section should be amended.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise in support of the Private Member's motion.

The resolution speaks for itself, / the resolution states "BE IT RESOLVED that steps be taken to have the Section 16 (3) (a) as quoted amended in such a manner that it will be clearly defined that the meaning of 'fixed matter' is that, one half of all swamp, cliff and bitter wood land be equally divided between adjoining land owners, and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with.

We have heard from the Second Official Member - the Law relating to the motion - he clearly outlined his points. Although I haven't got clear with what is existing.. The moves of the motion also clearly out lines what the motion seeks . This motion is based on quite a number of cases that have arisen, and on account of lack of knowledge as to how they should be dealt, this why this motion is before us at day.

We know that the Cayman Islands was settled in the year 1503 and that certain things existed, and it was local custom for swamp , cliff land and bitter wood land to be divided equally, but with the land rates that now exist - trouble has arisen out of this. Mr. President, this system has given us food for thought, regardless of how some of us may look at it - they also said that we are late in seeking this, but I do not think for one minute that you can be late on something like this which existed from the year 1503.

MR. [illegible] (cont'd.): This motion seeks for a proper definition of the term or words used "local customs", and this is why I agree that some definition should be placed - where Judges in our Court can make a decision without being at a quandary. There must be something wrong why the Tribunal fails in correcting his decision as far as Swamp land, Hutton Wood and Cliff is concerned. We know, Mr. President, enough to disbelieve, but we do not know enough to accept, and with that, Mr. President I thank you very much, and I hope that Members here will consider this motion before just throwing it out of the door.

Thank you Sir.

HON. W. W. CONNOLLY: Mr. President and Members, a lot of what probably I would have touched on has been so ably and eloquently taken down paragraph by paragraph by our learned Second Official Member, that I can state that it wouldn't make sense for me as a layman to try to go over those grounds.

But as the Member whose portfolio Surveys come under I thought that I would try to give the House a little bit of the run down on the development of the Cadastral Survey. Now, it is true that the minds of some people here who have always been against the Cadastral Survey, any opportunity that will present them to bring a motion .....

HON. ANNIE H. BODDEN: Mr. President, that is not the purpose behind this, I remark that. I do not like aspersions being cast on my integrity

HON. W. W. CONNOLLY (cont'd): any opportunity that can be given to bring a motion will be done. Nevertheless we have here this motion which seeks to amend the Land Adjudication Law. Mr. President and Members, if we go back to the history of this exercise in the coming into being of this Law, I think we will see clearly that the whole object of this law was to have a Legislature whereby titles to Land in the Islands would be settled once and for all in a very orderly and best manner that it could. Surely lands in these Islands have been the subject of disputes over the years, and when I am talking about disputes, I am talking about the disputes as far as titles are concerned. I don't think that anyone in Government ever said that this would be the end of land disputes. I think this/thing misunderstood. I think the idea is that this will be the end of land title disputes.

In determining the type of legislation or the type of Survey that was necessary to bring this land in the Cayman Islands under some orderly and proper registration system, a lot of thought had to be taken of, as the learned Attorney-General said "possessions". It was clear to everybody that a lot of people owned land in these Islands that they could not legally, as in a Court of Law defend their title to such land, and as such the Legislation - the Land Adjudication Law was legislated to allow persons who were in possession of these lands to have the easiest and best possible means of bringing claims - or pronouncing their claims. A lot of land documents, I know you will agree with me could not go into a Court of Law, titles could not be defended under the rules of legislation dealing with land holdings, evidences that are inadmissible in a Court of Law could be made available to the Adjudication process. And what the resolution states that there is confusion in the Court over this particular section I fail to see how there could be confusion. Because "local customs" as was stated previously is a custom that existed in certain areas of this Island, and the Law made provisions for the appointment of people who would have knowledge of these local customs. If the learned Judge is looking in the Laws of England to find what is Cayman local custom, I am saying with the greatest

HON. K. W. CONNOLLY (cont'd.): of respect that it will not be found, because the law here as it stands says that the local custom would come from those Assessors who will be local persons. In the case, who would have this knowledge, and so where in the Adjudication process have I seen in All of the revisions that were made - have I seen where that these local customs have been followed.

Further, apparently the cause and concern for this section came from matters arising in the Appeal Court. Either in the Grand Court here or the Court of Appeal in Jamaica, and it we look at the section dealing with appeals under this particular law - Section 23 any person (including the Commissioner) who is aggrieved by any act or decision of the Adjudicator and desires to question it on any part of it on the ground that it is erroneous in point of law or on the ground of "failure to comply with any procedural requirement of this Law" may do so. I don't think today that an appeal on the local custom can rightly be made - this/whether or not I am concerned for the Adjudicator, and if the Adjudicator is satisfied from his opinion from his two Assessors that local custom in the particular/says that half of the land area of cliff or swamp be divided, I have no place in/Law/Rules that he has gone against that.

While it is not surprising to me that we have differences of opinion in a Court house, because we have a saying which/something like this that great minds think alike, but surely we don't see that displayed in Court, there is always two great minds who think and express themselves differently and then we have a Judge who again might think differently. So this is not unsettling, and I believe that this is the reason why we have these processes of law. I take a lot of exception to some of the REMARKS in this section where it says that this situation has led to confusion and disadvantage to land owners who have appealed to the Grand Court, and it is a reflection on legislators and has been so expressed. I don't know whether it has been expressed by the Member who moved this or the two Members that have moved it, or whether it has been on the outside or where, but naturally if it was made any place I think this/is normal process, - there is no legislation in the world that doesn't have probably more professional/lawyers we have in this Legislature, and I am sure that we have a lot of matters coming up to Appeal Court from laws that/respective legislatures enact, so I should feel that this/no reflection on me, I think our main job here is to get it in the political impact.- whatever that is - in the law.

I am a bit surprised about this Resolution, speaking on it generally, because a few months ago I was approached by a delegation of Members who wanted an assurance from Government that the Land Adjudication process would continue in the Eastern end of the Island as it was going in the Western end. They wanted this assurance, and here today we have some of those Members wanting to change in odd manner, surely this is derivative from the way, or the approach that they made to the Member some months ago. Because if that Law is founded on this resolution status, I can assure Members there will be changes and big changes. Come to the point of Crown land ownership, and this has been one of the reasons, I believe why this Resolution came into being. It is a fact that long before the Adjudication process came into being Government intimated interest in certain areas. We have - I can name the different areas - we have in Snug Harbour on the West Bay beach, I think in Prospect Park in Savage Bay estate where the proprietors of those properties paid Government a sum of money for whatever interest that Government may have had in them - as a result of their interest - it is surmised so it is not some thing that has just come up about Government's ownership of many land, and I can take Members a little bit further back. If I go back to 1961, in the days when we had the

HON. W. W. CONOLLY (Temporary): Cayman Reclamation Company was approached Government for the purchase of that swamp land on the East side of North Sound. The company consisted of people who were members of Board of Directors, whereas then Members of the Executive Council of Government and other Members of the Legislative Assembly, and surely they thought that Government owned this land; because they made an application to Government to purchase it. Three thousand acres of swamp land in 1961 for one pound per acre, that was the request made to them Government, and the only reason why that land wasn't purchased from Government is because the company folded before the business was finalised. If that company had bought that land from Government then it wouldn't be in the possession of certain people - or certain people wouldn't be claiming it today. So it is not an after thought for Government to claim land - the claim to swamp/ land for the Government is concerned has always been there. I would say the claim to certain swamp land by individual people is a new thing - this has only come up since the Cadastral Survey.

This issue - a lot was said this morning by a member about the decision in an area in North Sound - that is true - Government had/stack of petitions, and there was good reason for this stack of petitions, because there in one of the instances we found that the person had bought - I think it was four and a half acres plus by diversion - recently purchased giving the boundary, giving the price, and when the Cadastral Survey went in - this particular went in that particular person ended up with some forty or fifty acres. Now evidently the person who would have/the original owner of that swamp, when he sold that to this particular person he didn't feel he had any interest in it or else he wouldn't have sold somebody four and a half acres of land for him to get forty-four in the end. When we went into this matter Government felt that it should be petitioned and it was petitioned, but evidence from certain owners - and this is why you go to Court - you make a claim somebody has a better claim - there were people there - and if you read what the Adjudicator said it was found that it was local custom - half of the swamp was included in those land, and he ruled against the Crown - there wasn't any sense in proceeding with it, because there were similar instances - if he ruled against one naturally he would rule against others, and in fact I believe, if I can remember correctly I told the Delegation that very thing, I was going to make a test case of it, and the Adjudicator might rule unconditionally. I don't think this should be any surprise to anyone.

Now there are areas of swamp in this Island that I believe that local custom, the local knowledge in these areas will admit that no one ever claimed these lands, no individual private/has ever claimed them, and if no individual person privately has claimed them, definitely they are for the Crown, because if you read under the section of the/Lands says - I believe this one quite on a little - the section that gives the direction - Section 27 "All unclaimed and unoccupied land shall be deemed to be Crown Land". I think that for us to change this Law or attempt to change it now would be very unfair to the people who live in the Eastern part of this Island. At the present time the Cadastral Survey has finished West Bay, Georges Town, Prospect, part of Savannah most of the work in Bodden Town has been done, North Side, Cayman Brac. The last area on this Island to be declared has just been recently declared and that is the Eastern end of the Island - Little Cayman has been declared, and I think work is completing on Cayman Brac and Little Cayman shortly. So far as the Registry is here over 7,000 parcels of land that have been put on the Registry. And in all these areas, West Bay,

Hon. M. K. Connor (cont'd.): George Town, Prospect, Spots, Savannah and Cayman Brac we have a total of title over 100 disputes, and most of these have been settled on the spot.

I do not see where that when if it's the way the law is worded now presents a problem of determination by the Appeal Court where that it matters that much, because today surely/Legislate for the majority of people in the Island, even though the incorrect - the voice of the minority must be heard in a democratic society. But surely there is no Legislation, there is no how we could amend this that it wouldn't affect them, and what I am saying here that even the way it is worded now, even it has affected any they have been in the very very small majority, one or two cases. Another thing I believe that has been said this morning that there are matters now pending appeal which it is very bad - I believe today that the Honourable Judge of the Court would say that it is a bigger reflection on Legislature while matters are in the Appeal Court we attempt to amend the Law - I believe he would have greater reason to say so.

The Cadastral Survey as far as I am concerned is moving on quite nicely, and I believe that a lot of people had more concern and worry over it - I believe a lot of people saw a lot firms in the way, a matter of suspense in some people, but I believe most of this/cleared up and I am not surprised that a Resolution at this late hour of the day, I am not ascertaining my point of not amending it because it is late, if it had come from the beginning I would have opposed the amendment under how the Law is written, because it is not for the Appeal Court to look for local customs, it is for the Adjudicator to look for local customs, and if someone appeals my local matter to the Court, then I feel the Court had no jurisdiction to deal with it. I have all the decisions here in the matters - I've brought along files dealing with several cases and there is no doubt in my mind that the Adjudicator is conscious what local custom is. In one of the cases here that I have before me he said "my decision therefore is that Mr. .... is the owner of the dry land ... he claims , and that he is entitled by local custom to include in his parcel the sweep extending half way to the sea in the North", if you take these decisions down in every instance he says according to local custom. When the Adjudicator is clear in his mind what local custom is, and he/adjudicated on that it is my opinion that no Appeal Court can upset it, not on that particular aspect.

I know we are going to have probably some cases where the Crown is going to petition on, or going to claim certain swamp land, this/true, and the Crown will be right in claiming interest in certain swamp land. Because if you write into this Ordinance of the sweep or slice between the parties then you will have to go over and upset a lot of what has happened, because the Crown is owner of the high water mark on the sea, and we have instances here where the Adjudicator that he has found and given this person directly to the sea, and if you're going to write into the Law that this half and half then I am afraid that the Government is going to claim more land than they/claim as it /does, because it is left now to local custom, and whatever that is in each respective area. It might be argued that the Assessors don't know what local custom/ but I think it has been the duty of the of the powers to be to appoint people who have knowledge in each area, and I believe this happens throughout the Island, and I believe that as move this motion - its not a bad thing, but I believe for this to succeed would give the people more problems than they would ever have, and the Honourable Mover of this motion told me outside that she knew that I would be against it, and I guess she was right because great minds think alike.

Mr. President I am opposed to this motion.

MR. JAMES BODDEN: Mr. President and Fellow Members, yesterday it was shown in this House the co-operative mood that everyone was in, and it also shows that the opposition can many times agree if it is a worthwhile thing, unfortunately it is very seldom in this House that anything seems to be worthwhile. Yesterday the mood was so good in this House that even the Fourth Elected Member to Executive Council had to sort of get up and oppose his own side just to hear his own voice.

In considering the Motion that is before the House, we definitely have to take many things into consideration, and I would like to touch on some of them, and I would like to explain my interpretation of some of them. It is true that in the past there have been many disputes on land in the Cayman Islands, and I am sure that although we have disagreed by instituting the Cadastral System, which would cure all ill that it has not come to an end. For us to even consider anything about land titles in the Islands, we will have to go away back into History. We must remember that this Island / were given land grants years ago, and to try to pin point any of these would be impossible today, and I am sure that in most cases none of these land grants were really lived up to, so from that point there was really nothing to substantiate the titles other than it being settled land. This is where our claims are coming from and where all of these will stem from, because there have been no legal documents passed down - less any from time immemorial in this country.

We must think about this, Mr. President, because when most of the land owners today - when their ancestors settled this country they did as they did in this West in the United States - they just went out and claimed, and wherever their eyes could see was what most of them claimed. This happened in all areas of the Island, and that is why we have had a lot of disputes because there has really been no documentary evidence to back up many of these transactions. In doing what I said awhile ago was done by them - by going out and sort of claiming as far their eyes could see - their claims did take in a lot of swamp, bottom wood and cliff. Now Mr. President, all of these lands are very valuable - to me the roughest part of it is the cliff, it is hard rock and difficult to work, but we take the swamp and if we define swamps as swamps would be defined in the dictionary we do not have swamps in the Cayman Islands. We go to some other country and see what they call swamp and it is an endless bottomless pit of mud with new growth. We do not have that here.

If we look at our swamp lands we will find that it is some of our best land in the Island. What has caused it, Mr. President, is that years ago, whether this Island was formed from a volcano or whether it is the continuing growth of coral, I am not wise enough to know - this Island does have a hard cap rock over - just about its entire area. This has caused over the years for water to settle on it for hours to build up because the Island is very flat and there is no where for this excess water to go. Once that hard cap is broken then you get the penetration and we do not have any more swamp. So my first argument would be that we really have no swamps in the Cayman Islands as swamps would normally be defined. Because it is good productive land.

We take the land that we call Button Wood the same thing applies to that - some of the best pasture land in the country is what is known as Button Wood land and it has raised many a family in this county. Now why all of a sudden should we deprive these people of the right that they have actually enjoyed for many years. Years ago it was not too easy for people to cultivate the swamp - it was not easy for them to reclaim them, and is why it is very difficult for them to prove any claim by

MR. JAMES BODDEN (CONTD.): possession, because as I pointed out a while ago there has been very little documentary evidence in this country when it comes to land title so you have to fall back on possession and on the settlement of the country. This I think was one of the big defects in the Adjudication Law when it was put through this House, and that was that 'possession' was not properly defined. I argued that point on platforms in several areas of the Island and I still do. "Possession" should have been properly defined and not left to the discretionary point that it has been left to.

Mr. President, it is not easy in this House to try to get anything passed. If it comes from this part of the House because the Constitution puts it that way – we have the collective vote and we know that from the time anything is tabled in this House it is lost, the only reason that we continue to bring them Mr. President, is so that they will bury themselves up with the number of things that we have brought. It is not because any of us have any dreams to think that any of these will go through, we know that from experience. Mr. President, I have voiced it before and I voice it again that a wrong interpretation is being placed on the collective vote .....

MR. PRESIDENT: I don't we are discussing this particular point in this debate.

MR. JAMES BODDEN (CONTD.): Mr. President, it is quite relevant to the point that I am bringing up Sir, because the Constitution gives us a collective vote and it is difficult to secure anything in this House because of that, and the point I wanted to bring out Sir, was this. We had a meeting this very Assembly with a Colonial Office representative who was supposed to have given us the legal interpretation from White Hall as to how this collective vote works and may be if we had gotten that by this time instead of it coming by carrier pigeon motions of this nature which affect the well being of everyone in this Island would have a chance to pass this House, that is the reason for straying from the point Sir, is to build up and show this House why it is impossible for a motion to pass this House regardless of the merits that are involved in it.

We were told throughout this Island that the Land Adjudication system would omit all expenses, we were told it would be a settlement of all family strife, now these are words that were told by the Government side in sponsoring this bill, we were told that this Island would experience a Utopia that had never been dreamed of before, and I would be very foolish to stand here today and did not say it that the Adjudication System has not helped, because it has done a lot of good in many cases, but that does not mean, Mr. President that it is not also defective , it does not mean that there also might not be some thing wrong with it. It is a pity the way the people of this Island are sometimes deluded and anything is crammed down their throats just because two or three people think it is best for the country, it is time Mr. President, whether it is on this motion or another motion that may come to the House that the man in the street, the people out there who constitute this country, and build this country have their voice heard in this Assembly and accepted, and we will never have it Mr. President until we get this definition of what collective vote really means, (Will let you laugh a little bit more later on).

Mr. President, the Land Adjudication system in my humble opinion is only one of the many recent Legislations that have caused the private section and the individuals to doubt the sincerity and the wisdom of our Government, and I am prepared to back that up Mr. President because I can show you.

MR. JAMES BOGOSH (CONTD.): Letters in my file from many investors, people who have invested back in the past and were glad to invest, and who today are getting very alarmed, who today are beginning to wonder whether there is any chance of them ever getting their original investment back, they'd be glad to do that. It is time that we woke up - we can blame the recession - we can blame anything else that we like, but, Mr. President, a lot of the blame lies in this Assembly, when people think that their inherent rights are being taken away from them, and don't tell me that is not/believe that is prevalent today because it is, and all of this is relevant, very relevant, Mr. President when we consider the matter before this House today, and the many motions that have been here before.

I mean in unfortunately a bit late, and there was a speech going on dealing with the advice of the Assessors. Mr. President, most of the Assessors that have been appointed so far, I consider them very good friends of mine, but Mr. President, I also know to say this that when, I go there and see them sit as statues, it makes me feel that they are belittling themselves, it makes me feel that we have once more down graded our worthy citizens and I say that without/fear of contradiction. Because I have also heard the Ministers say - I will not be bound by anything they say - I do not have to take their advice - why do we have them there - you know why we have them there, Mr. President - just like you have five of us on this of this House - window dressing. It is no use of anyone telling us that we must agree with the Law, and be content with it just because we have two of our local people who are appointed as Assessors on that Board. Their voice means nothing, and all of us know it. It is only an additional expense to the Government. It would be much better if we did not incur these additional expense.

I heard some references made of there being no appeals to Grand Court on such findings - I am a little bit confused on this - I don't think I have it completely written down. The way it was said - but there must be appeals to the Grand Court from this, because they are going on all the time - now I don't know exactly what legal back ground is involved in each one of them, but I do know that many times that Tribunal go to Grand Court, and I do not think that they are barred just because we have the two Assessors sitting there.

It is quite clear when we read and research the different times that the Committees met in this House on the Land Adjudication Bill that the previous Legislatures including some of the present ones who were in the House at that time did wish to have what we consider local custom observed, but unfortunately those who held out for it in their wisdom by trying to protect the people's right were over ruled by the age old steam roller system, and that is why we were/back in here today and argue, as Mr. President when you tell me that I had strayed and that it is irrelevant, it is not six, because for that very reason is the reason that we have to oppose so much in this House.. Because you have no chance 100% if you ever expect to get hold of it.

It has been stated by the people of this Island for many years that the Adjudication system meant a Land tax - now we are finding out that that is in the bottom of it - I'll pay mine - I am sure. Mr. President I am not arguing this because I am a large land holder, I would argue it if I didn't own a stick of land, but I think that/is what the corner stone of this Island was built on, and after you take it away - when you put your land tax on - just to get prestige/or as I mean - Mr. President they can destroy every concept on which this country was built. We at that point are going down hill, we at that point have lost everything, and what we enjoy here in this country today is not just by accident it was because the people before us, although they might not have

Mr. James BODDEN (Bodden): had a lot of education but yet they had the ambition to go out and face the world, bring their money back here, and build the country, and build the country on which you did not have a lot of bureaucracy as where money just went down the drain, that is why we have the type of country we have today, it is because of our forebears building and we should try to preserve it.

I've heard a reference made in regards to giving statutory effect to what is "local custom" at the present time - to do so would be unfair, because what is local custom in Savannah might not be local custom in Bodden Town. I submit, Mr. President, that is pure rubbish. The Island is 21 miles long, very narrow in some places and in some places almost 6 miles wide -- you're going to tell me that in a little place like this that such a thing as custom dealing with half of the swamp and half of the cliff, and such an important thing does not apply throughout this Island - it does, Mr. President and it has applied for years and years, and everyone of us if we will admit it knows that it has.

A point was made that if this motion was passed it would create great difficulties - in some areas due to the irregular boundaries etc. Mr. President, I cannot even accept that argument because we have experts right here - we have experts in the survey field - like we have in many other departments, and I am sure that these experts would find nothing difficult in apportioning a little piece of land just because it is irregularly shaped, I am certain that these experts have more expertise than that...

Earlier Members before me have said that it is too late to correct this mistake, I submit to this House that it is not too late, it never too late to correct a mistake. Mr. President, and I know what I am going to say now for the second time in the House I will get some support from the Second Elected Member from West Bay, because I know he is going to agree with what I am going to say now - it is never too late to repent, because many sinners never repent until on their death bed - so it is no use of the House telling us today that it is too late for us to change this thing. I do not want to be like some of those that never repent until their death bed sir - so I am trying to repent, and I believe that by this time we have one more vote on this of the House who is agreeing.

Mr. President, one Member said - I think that the advice of the Judicial in matters of this nature more or less should not be accepted - or something of that nature - I might be a bit wrong there - but Mr. President if we accept the advice of the Judicial in so many other points - I see no reason why we should not accept advice in this matter. I am sure that Members will say that because I speak the way I do on this particular point is because I do not want to see Government own any land - I'd like to dispel that from anyone's mind Mr. President, because I would be as happy as anyone else to see Government get their rightful claim, but I believe it must be a rightful claim. I do not believe that they must own something that is not rightfully theirs, and we in owning that just abide by the wishes of the people and must abide by what was local custom, but Mr. President what I am afraid of is that if Government own 90% of the land in this Island the same thing would happen with it like what has happened in the past with the little bit that they owned. It is a good thing we did not have more land that the Government owned, because there might have been several Belmopans.

A point was made concerning good documentary evidence in regards to swamp land. I think most of us in this House sort of know the history of documentary evidence in this country, it is only for the past, maybe forty years or so that anyone has really paid much attention to becoming a lawyer, or setting up a law practice in this Island, so for years there was

MR. JAMES BODDEN (Rookie.): a deficit in that respect and many of the old documents were hand written and passed down from/father of the family to the other one - it's only the past few years that the Record Office and the Registrar Office have been used - so, Mr. President, it is nearly impossible for anyone to really prove good documentary title to any/in this Island - there are very few and that is why we are saying today that all the local courts must be held together, because there is not the documentary evidence to back it up. I would like /this point Mr. President to say that I attended a meeting - I think it was last year in Bodden Town - when the Chairman of the Planning Board was present along with a Mr. /Mealor of the Cadastral Department, and he assured the people of Bodden Town - in my presence - that the land between two dry land areas would be split between the adjoining neighbours - he assured them that there was no reason for them to cut into their swamp land because they would just do the dry land, and then at their good leisure/time they would come back and divide up the swamp as they saw fit. Mr. President, I am here to tell this House that that is not so. When they came to the swamp areas that the poor people had taken their advice on and cut out the trail it was then put on the map as reclaimed land. The portion that had been claimed - they say no its owned by Government - but yet that is what we were told, and that is what we were told throughout this country, and that is why we object.

. . . The Speech Elected Member to Executive Council spoke awhile ago about a delegation that had come to him. Mr. President, it would take us a long time to tell the whole story about what prompted that, but let us sort of touch on it. One of the things that prompted it was what was said in one of the Cadastral Rulings in one of those cases here, concerning a directive that had been given to the Cadastral System when they first started in this Island, and then another one that was injected into a meeting on one of those cases. Mr. President that's what prompted it - we wanted to find out what was the difference between these two directives. Mr. President, the one that was dated June the 9th of 1972 was the directive that sort of muddled the idea that was in to this Law in regards to "local custom" - unfortunately in September, 1974 there was another directive that surfaced and was held as evidence in one of those cases. Mr. President, you know what I am getting after - it is this - If we had not found that out and challenged it right away - the directive that would have applied to the Eastern end of the Island would have been the undated one which was put in in December, 1974, but by us finding it out and checking it out they still had to use the one of June the 9th, 1973 - that was the intention Mr. President - I was hoping he wouldn't put that in because I didn't want to tell the story behind it. I am leaving the half out because the half that I have told has made implications than the other half.

Some Member said about the settlement of the Island from 1503, as a matter of pride I would like to clear that up. I have researched quite a bit and read quite a bit of history on this Island , and I do not think that we were settled in 1503. I find the references going back to those stupid Scotsmen who came in 1699, and are still here. So we didn't come in 1503.

Right here, Mr. President, are records of decisions that were handed down by the Adjudicator - one was on the 27th of '74, and he deals with possession and he said that "they must prove possession in accordance with the Law, the automatic division of swamp land between adjacent dry owners should not be encouraged, and such claim as swamp land examined on its own merit pending the political /legal decision which is necessary to lay down the guide lines for the future Adjudication of swamp/in Grand Cayman in this particular hearing the petitioner is upheld". Now what I am getting after Mr. President is to show this House although we are trying to abide in this law by local custom it is only for the good intentions of

MR. JAMES BUTLER (CONTD.): However maybe the Adjudicator whether that to uphold or not, because he is plainly stating it here.

We have another case 2.10.75, and this points out a very valid point,Mr. President, where one of the lawyers said that it would be grossly unfair to award one dry land owner adjacent swamp land merely because he was desirous enough to have a local custom written into the deed, whereas the neighbour equally cognizance of the custom did/not so. That is as regards, Mr. President,to the little slip-ups that will occure - what I was pointing out awhile ago in saying that the only in the last few years that we have/dissatisfied with so much legal bigwat, because up until that time have people more of these deeds/documents, and they could not foresee that fifty years away from it that this Assembly would get that unduly - that it would come in and try to put in a Law that would take away a piece of land just because he didn't put "by" or "to" or something of that nature - just because he slipped-up just because he was not intelligent enough to think that far ahead and put that word in - like a few of them that did it, and those few I think are getting their land - the other ones have to fight for it, and I wanna that you should sometimes fight for it too, because it is much more pleasant when you fight for something. But the Adjudicator was wise enough in this decision to state "I accept that the custom is that swamp land time between the dry land is shared on a half and half basis between the dry land owners, and that there is no known or agreed limit upon the amount of swamp land which maybe so shared" - this would help to deflate the argument of the Fourth Elected Member awhile ago when he said that a person had bought four-and-a-half acres and wound up with about forty - the Adjudicator himself is saying here - although I don't think I would completely agree with him myself - but he is saying that just because a man might own one acre it doesn't mean he can't own another twenty. The Adjudicator again in this hearing,Mr. President,said abide by local custom, because in his decision he said "agreement upon bounds without recourse the Land Adjudication Tribunal is indictive that the custom is honoured and effective" - but he did add one clause to this Sir - "having accepted that it is the local custom for neighbouring dry land owners to share the intervening swamp land. The Tribunal is not bound by this decision in future cases involving swamps, but it is in everyone's interest that the decision taking should follow as consist as a pattern as possible" - so Mr. President, it is necessary , the Adjudicator himself is telling us that it is necessary to give him more tools and better tools to do this job with.

I would submit,Mr. President, that we would save a lot of money, we would save a lot of time and needless Court hearings from both sides - Government as well as the people, if this Law was properly defined - it would alleviate a lot of difficulties that we now face. Someone said that we couldn't appeal on custom. Section 23 of the Law,Mr. President, points out that you can appeal on procedural requirements, and my point is, that procedural as outlined in Section 23 of the Law would be a point of law, and it could be subject to appeal. A Member brought up about the quick claim which I, for one of my companies secured from Government. Let me point out here,Mr. President, I was getting a dredging claim along with that I added the other thing with it and was lucky enough to get it. My reason for doing it was I had to have a good title to my land, and I did not want any dispute, but let me further say this to you,Mr. President, and you can check with the man that was here before you, and the one before him; when this claim , when they came up about the swamp land I made an appointment and I went with the Director of Lands, Mr. Austen, the Permanent Secretary and one of the

MR. JAMES BODDEN (CONTD.): preceded you, Mr. Long, and we walked right through to where the water laps on the Northside Sound shore, and we had several discussions on the way, and when I put questions to Dr. Miglioli he readily pointed out that Government would not have much claim to any of these land in that area if the type of vegetation that was growing there grew along the shore line of the North Sound, he told the Administrator at the time that, because it was not salt water vegetation. I pointed out to him that my Mr. President, that I had owned or was a shareholder in over 600 acres of land in that area, and that we had cost a lot of money - hard earned money too - and it would also make also of six foot plots - if that is doubted you check with Dr. Miglioli and Mr. Foster - so if anyone doubted - that I was going to stand idly by and let Government take my swamp land - they another would coming, because I did not threaten, but I said bluntly that a lot of six foot parcels could be found in Bo and something gotta and I am always ready/when you demands how many was ready to take the next, that is why I have a quick claim. It was not because I thought that Government had any claim to my land. . .

One Member pointed out that this would be unfair to people in the Eastern end, I point out that is not correct, because if we change this it will enable those people by statute rather than custom by disposition of their right. I also I heard a Member say that in this House we must always remember that we legislate for a majority, we Gov't are glad to hear people say that in this House, because Mr. President, here in my hand are some figures, and it shows according to these figures, Mr. President that at this time our Government is legislating for the people with the votes of only 12,000 of the registered voters of this country being represented. So I am glad to hear that we are finally waking up to the fact that we do legislate for the majority.

I can readily see after listening to the speech of the Fourth Elected Member on Executive Council why he would like to have this remain as it is with/this change, because he is going to base the claim on the swamp at the East End of the Island on the fact that Government owns riparian rights on the water front of the North Sound, and by saying that they have an ownership to the one half of the swamp on the local custom to where the sea comes a way 1,000 feet now would only be able to claim 500 - that is why they do not want this to go through, because if this goes through it stops that, and I submit to this House Mr. President, that if this was ever argued out in Court of law then that would be a very flimsy stand for Government to take to try to claim ownership just because of the riparian rights that have been vested in the Crown around this Island, and from that that they would be able to use local custom - I think that that would be fighting local custom in the East for something it was never intended to mean - and that is why the Members on that side of the House do not want to change this, Mr. President, because if this/changed and put in/statutes rather than Common Law then Government will have very little basis for any claim on that land. I too would like to see Government own it, but I still believe that a man who has owned that land whether on maybe by purchase or from inheritance from/great, great, great, grandfather should not be disturbed from it. He should have that right to know that he is enjoying the freedom and protection of his property without having to fight the great might of Government to own what he rightfully has.

I am hopeful, Mr. President, that this Motion although they have already Gonged it to detect that some magic spell we maybe able to get some of this through, even if its in an amended form, but try to give back the people the rights that are vested in them over the years by the forefathers of this country. . Sir, Mr. President, I am very hopeful that the Members on that side of the House who represent only 12,000 of the people of this country will give us their full backing - even this whole - see the errors of their ways and support this Motion. Thank you Sir.

AT 2.30 P.M. THE SENATE RESUMED

MR.SPEAKER: Please be seated. Proceedings are resumed. We continue the debate on the motion by the Honourable Lady Member.

MR.PATRICK BAINES: Mr.President, and honourable Members, we have a lot of house-wives that make a particular case but to put the best side of it she has to flow it over - they call it upside-down, so I suppose the debate on this is going somewhat up-side down as well.

I am sorry that owing to circumstances I wasn't able to be here at the opening of the meeting this morning to second the motion, but I thank my colleagues for filling in and filling the gap.

From what of the debate I have heard I don't think there is so much more that I could add to it, but if I turn it the other way I will stay here for quite a while.

Mr.President, I realise that in most cases at most times, any motion presented to this House from the elected members, the eight elected members on this side, are everything wrong with it. When a motion is presented from Government, by the Government Bench side there is everything right and good about it, nothing wrong, no room for argument, no room for doubt.

One member spoke on this, it was the wrong time to move an amendment - I don't know if any time is wrong to correct a mistake. And if my memory serves me right, Mr.President, there has been a number of times when sections of bills that were presented to this House that we have argued and spent a lot of time on, we lost the vote on it - in a few months it is brought back for amendment - yet there wasn't anything wrong with it before.

Many a motion has been brought here and lost and when I said in the beginning there is a joke up-side down that is has been used many a time and brought back in a little different form, not the same motion, but the same reason for the same purpose - but it shouldn't be accepted as a motion from a member on this side of the House.

Mr.President, when the Land Cadastral Survey was in its first stage, I didn't accept it very far and in the days past by I felt stronger and stronger that the serpent was in the bottom, and one of these days you will be taken up.

One member made reference this morning as to the dictionary's definition of "swamp" but to my surprise the Cadastral Department does not seem to believe the definition of words in the dictionary. Neither even the Head of Government, in the infancy of trying to introduce this, because when people - (and I argued that, that it could only mean one thing in the end) - and that would be cessation - no such thing - yet that is the definition in the dictionary. By the Head of Government that took the platform over the whole Island, told the people it cost you one penny. We won't know, this Assembly, if I am still in it, I won't know the true figure when it has cost.

In every good Mr.President, there has to be some bad and in every bad thing there is something good, but we haven't got all the good out of this time we argued for and we felt that we should have gotten, and it is not finished.

Mention was made that not so long ago Mr. Knaight visited the Eastern districts at large to tell the people what they should do about dry land, and every land end to made it abundantly clear to the public, "If you have swamp land don't trail it because we are not going to survey it". This is what he told the people in North Side. I told him I said "Mr. Knaight, if you don't intend survey swamp land don't bother to survey the dry land - that goes for me and my property". They will do it some other time - not in this case. We realised on the road, the Eastern districts, more or less, would get the worst part of it and what this motion is asking for, I don't see

MR.SPEAKER BEARING CONTRIBUTING anything so unreasonable about it. Asking that something be defined as to giving both sides, whether it is Government, whether it is two other individuals, almost little by half and half. If they don't know what you're aware and there are plenty of people coming into these Islands to do a job and when you ask them something they don't know - you would have to come and tell them what it is and how to do it.

No one should expect a Caymanian not to kill you for a piece of land, whether he got it from his father, his grandfather, whether he traded, or however, because it was the only one half of our livelihood - the other half was from the sea-quite large and all the years that we suffered in our hard-ships nobody came to our rescue - to say we needed this or we needed that or needed help. Much of those mangroves have been covered by fathers and grand-fathers and even mothers, barking mangrove trees to help feed and clothe their children. Even if we didn't have hundred-nine years, we felt it was ours because it was our livelihood - it was part of our bread and this motion is only asking that it be made clear to the Courts and defined certain words so that they won't be confounded, as seem to be at times.

It is very well [been] said by one member that having two processes - it doesn't mean nothing - they are only wasting somebody's time because the Magistrate doesn't have to listen, he doesn't have to take their word for it. He can do it as he sees fit, whether it is right or whether it is wrong. Yes, well you say we have the Grand Court to go, we have the Appeal Court, but you don't get that free - all of that costs money. No one can seem to think, or at least some members of the House don't see where it can cause or create any hardship or inconvenience.

We have a Development Plan that should come before this House, I suppose, by the end of 1976, when into that there are areas that are allocated for hotel site development - John Doman has a one little piece of house property, house put into that area - its not enough to build a hotel - you don't want to sell it - he wants to build a house there, but because its in a hotel zone area - then it might be fifty years from this before a hotel is built in that area - then he can't build a dwelling house there because it is zoned for a hotel area. All of that is hardship, because why should the law be forced to make the piece of land if he doesn't want to, then we is going forced not to use it because it is in such and such a zone. Nobody may be interested in buying it, then the man is in hardship, he is in difficulties.

Mr.President, I am just hitting these one and some right now - as to the Courts a lot, I do have some of the remarks from the Judges, whether it is a question of the law, whether it is the Magistrate, whether it is the Grand Court Judge, or what Judge - this is what the Assembly passed, this is what the elected members passed. We are not all, or I am not educated, we can all make mistakes, even as we are educated and I can't see why so much screwing, so much buying us down and all the good intension of a member bringing a motion to the House - why not try to take from it, argue it out, come to know rather than saying that all is brought down in it is wasted time and nonsense, and nonsense and it isn't worth this and it isn't worth that and what not. The same shoes suck, as I said, how many bills don't come from that side of the House, by the Government Bench and have to come back a few months after to be amended. We all can't see the same thing some time - we make a mistake sometime, we know we have made the mistake and to cover our backs we have to search and dig to find it. Why not be reasonable and act like twelve sensible people that fourteen thousand people have put us here on parliament then and try to solve our problems rather than saying it doesn't take Jesus to bring this back because it isn't worth the time and

SEN.CHARLES EBANKS [continuing] it doesn't worth this and that and what not.

Mr.President, I give my support to this and I hope that members will find the spot in their conscience to say that the people ought to have the best, might to go first and give this motion their support. I thank you, Sir.

HON.V.G.JOHNSON: Mr.President, Honourable Members, I did not intend to discuss the motion before this House because the Honourable Attorney-General, the Second Official Member has ably dealt with the matter and I can only say that I entirely agree and support his comments.

What I would like to mention is, or what I would like to speak on rather is the mention this morning by one or two speakers that they have now that there is proposal for land taxation and I wondered whether this comment is stemming from the comment from the last issue of the Northwester which played heavily on a question and answer during the time that I addressed the Chamber of Commerce. What I would like to say to this Honourable House, Mr.President, is that in 1978 the Government mounted a Fiscal survey in these Islands by a Fiscal Adviser from the United Kingdom, Tyrell. Among the fiscal adviser's proposals a recommendation for a property tax - not a land tax - a property tax and the proposal there was to place a tax on offices and residential homes. This proposal merited consideration but because the Government was about to introduce a Land Adjudication system it was thought that it would not be wise to introduce such legislation or tax legislation at that time and so the matter was shelved. But there was, in fact, a proposal for a property tax before the Land Adjudication system was introduced in this Legislative Assembly.

The recommendation for the property tax by Mr.Tyrell, as I said before, merited consideration because it would have, in fact, provided Government with a fairly substantial sum of revenue. It was estimated at that time to be in the vicinity of a million and a half dollars per annum and so the recommendation has always been with Government, but, as I said, there was no intention of introducing it.

Now, at the meeting of the Chamber of Commerce, a question was posed from the floor as to whether there was any intention by Government to introduce a land tax and I replied in a straight-forward manner "Not to my knowledge". I wouldn't have said anything else and that was that and it was a true statement - I know nothing about it. It was played on a bit and when the question was posed again "Does that mean no or may be" I jokingly said "What would be so objectionable about a land tax?" and especially knowing that this had been recommended by the Fiscal Adviser many years ago. I was surprised to see the Northwester playing so heavily on this [MR. JOHN JEFFERSON: Hear! Hear!] I thought that there were other things that they could have played on more effectively than trying to put forward the suggestion that Government had been thinking about a land tax. And I just want to clear this point, Mr.President, to make it known to this Legislature that there is no intention by Government of introducing a property tax or a land tax. [MR.JOHN JEFFERSON: Hear!= Hear!].

HON.HERMOD O.EBANKS: Mr.President, Honourable Members, I too, thought that I wouldn't have had to speak on this motion because I thought that after members had heard the contribution of the Second Official Member they would have realised that this motion, contrary to what it is being hosted as, that is, a motion to benefit the people, that it would, in fact, restrict and work to the detriment of the people if we accepted this motion, but

HON. PERCY M. THOMPSON (CONTINUING) so much has been said in the course of the debate that I find it necessary to throw my two bits in as well.

Now, it has been said time time of us on this side never agree with anything that is said or comes from the other side. Well, that is, to begin with, not exactly correct and I must at make it clear that at least I agree with some of the things that they say and I want to say that I agree with the member who said this morning that utterances from this House are probably responsible for some of the unconstitutional practices which we are experiencing at the present. I'll agree with that, but, I cannot agree that the Land Adjudication Law is anyway responsible for deflating the price of land as for contributing to the recession that we may be experiencing. In fact, the contrary is true, because of the Land Adjudication Law and the companion Bill the Land Registration Law, persons are, for the first time, able to get in this country, a water-tight title to property guaranteed by Government. In the past there have been people who came into this country, bought land, built a house on it and found out that they had paid the wrong person for the land and had to pay for it a second time. Now, was that an inducement to investors to come to your country? This Law, the Land Adjudication Law seeks to enable people, to get, as I said, water-tight title, fool-proof title and a guaranteed title.

Now it was also suggested that members on this side do not represent the best interest of the majority of the people in the Territory, and Mr. President, if that was so, and I did not have more foresight than some of those members, I would support this motion today. Just to show to the public of the Cayman Islands what would happen to them if we were to just follow, blindly, all of the suggestions that come from the other side. This is what I, as a politician would do, if I were irresponsible, because there is no way that what is suggested in this room which would work for the benefit of the majority of the people in this Island and I will illustrate this by a very simple illustration. It is sought to define "local custom" as saying that one half of all swamp, mixed and bush-covered land should be equally divided between adjoining land-owners. Now I want to know how one is going to give half of swamp or right to adjoining land-owners if the ruling happens to be more than one. There are going to be irregular pits of swamp where multitudes of people will be butting this swamp or that and it will have to be equally divided as custom has been done in the past, and this is what the law says now.

Members try to use a remark or a quotation from an adjudication ruling that was handed down to prove that it wasn't being followed, but I think that they were just proving the point that to some in the law would throw it unworkable - what the adjudicator was saying that in order to preserve the concept of local custom in each area, as it exists, there should be no attempt to make a hard and fast rule regarding the division of swamp lands. When this Bill was being studied in Committee, members of that Committee were politely informed that the system of sharing swamp land and cliffs, for example, did not exist in the Islands of Little Cayman and this was why local custom was put in.

I don't intend, Mr. President, to use up the time of the House to go into all of the legal ramifications of this because I feel that the Second Official Member dealt with them very, very efficiently, ably and if he was unable to impress or convince members on the points of law, I doubt that it would do very much for me to continue. But I must remark again, one member was talking about the definition of "swamp" in the dictionary and what caused swamp and the if once you broke the cap the water disappears and so on. Well, I had a

HON. MINISTER OF WORKS (CONTINUING) - little bit of experience with a piece of swamp in Wales myself and I am wondering if the then agricultural officer got his advice from that Member, because that piece of swamp used to settle water in the rain and for nine months of the year it was dry. The then agricultural officer recommended to me, he said "You must plow this thing and your water won't settle". I followed his advice and in two days I had a lake standing there, 12 months out of the year. Instead of the water disappearing is gone up. So don't tell me that we don't have swamp in Guyana.

To get back to the meat of this matter this resolution, Mr.President, as previous speakers have pointed out there is nothing in this law that allows a person from gaining title to swamp and cliff land once they can prove that it is a part of the parcel of land which they are claiming, and the very section that is being sought to amend makes this possible, the proviso where it says "possession can be proved or established either by local custom or otherwise" and that if the parcel of land includes an area of swamp or cliff land occupation or use of the other areas of such parcel would be deemed to imply possession of the swamp or cliff land also.

It has also been pointed out that irrespective of what is said in the motion that appeals under this law are appeals on points of law only or where there has been error - lets put it self-administration of the law, but appeals cannot be made on a question of fact and once the adjudicator has decided whether local custom in the area gives cliff land and swamp to the adjoining land-owners or not, that is a question of fact and not of law and it is not on this ground that an appeal can be lodged. The appeal regulations further state that in lodging the appeal it has to be sent to the Court under the signature of the appellant or his attorney-at-law and it has to state, has to specify the particular points of law, if any, on which the appellant relies in support of his appeal, the particular procedural requirements of the law with which it is alleged there was failure to comply and on which the appellant relies in support of his appeal, the precise form of order which the appellant seeks from the court and an address for service within the Islands. So, this makes it abundantly clear that the appeal is on point of law and above all, Mr.President, the member responsible has stated where over seven thousand parcels of land have been put to the register as final and binding and this means where the appeals have been settled and that of those seven thousand parcels only one hundred disputes arose throughout the whole adjudication, that is, disputes that went to the tribunal - there were probably differences, minor differences of opinion that were probably settled on the spot by the demarcator, but these would not be considered disputes. And with the adjudication, as far along as it is, you talk about never being too late to repent, that might be true when you are talking about your soul, but practically when we are talking about rights before the law, it could never be considered right to amend a law for the benefit of a minority within your community when the vast majority of people have been dealt with under the law in another form, particularly when it cannot be proven that the amendment sought is going to put the new or the persons living in the remaining areas in any better position than they were in the other areas. Speaking for my own district, the adjudication process is complete and with very few exceptions, I think that the people are generally happy with the results of it. There have been some disputes but I don't think that those disputes are running on the heels of the Courts because we have failed to define what local custom means. I think that those disputes are based on points of law and I am satisfied that my district, in a majority, and even in George Town, most people that I have talked with are very happy with what has happened here.

HON. HUGHES O.SMARRA (GOVERNMENT) Mention was made about Government, a new rival to ownership, entering the scene, that is, in the form of Government or the Crown. Well, we are always being mocked from the other side saying that we don't protect the people's interest and there are people in the public who are saying that Government is indeed entitled to much of the swamp land that is being given to individuals, and it is only right and proper, in my opinion, that Government as the custodian of the people's rights, which includes land, if the Crown by law owns land, should have also a test case of this land which people were considering to be rightly the Government's. But what is important, and should be admitted and noted is that even the adjudicator ruled against Government. Government accepted that ruling - it never even appealed it to the Grand Court, that is, in the case of swamp land. I am not talking about other land that's based on legal technicalities and what is considered documentary evidence, I am talking about land claimed on local custom. And I think this is important, because it should convince persons, both workers and the public, that Government is not out on a land-grabbing exercise. Government took a stand, the adjudicator ruled against it, and Government accepted it in good spirit.

Now, we heard a lot, Mr.President, about the collective vote today and all the rest of it and we also heard that the purpose of the land survey is taxation, and I would like to pick up where the last speaker dealt, what I would consider, very tamely, with what I considered a very irresponsible publication. There was definite proof in the course of that exchange, according to the article that the Financial Secretary/Government was not proposing any land tax, according to his knowledge, and then he asked the question 'What is objectionable about a land tax?" and this was branded all over the front page as a hint that Government intended to introduce land tax. The worst time that those people learned what is important news matter rather than what will probably sell a magazine. And I want to say, in regards to the misleading view, that Government would not be able to bring any law or Bill to this House proposing any land tax unless it came from the Executive Council, and I can assure everyone that the Financial Secretary had no authority, collectively or otherwise, to commit Government in saying that Government was going to introduce any land tax, so let's get that one put aside. What would, in my opinion, have made interesting reading would have been the fact that he was able to say that in the last several years Government was able to undertake its expenditure without increasing taxation on its people. This is a fact that is probably unique, not only in the history of the Cayman Islands, but in any other island. It has been done through good fiscal management - fiscal management, I mind, and growth, because of the confidence that this Government has abroad and locally, regardless of what some members want to say. I thank you, Mr.President.

HON.T.B.BUSH: Mr.President, Honourable Members, I don't want to prolong the proceedings of this House, but I have been prompted by the debate which I heard on this motion to air my views on it as well. I promise Members and you, Mr. President, that I won't go into it at any length, because I realise that the Lady Member is anxious to get back at all that was said with regards to her motion.

What really is causing, it seems to me, or what really has prompted this motion is the remark that has been made in our Courts by, as was said here, by Judges and Counsel about the way the law is now regards to local custom. In my mind, I am not at all confused about it, I fully understand

MR.SPEAKER: (CONTINUING) what it is about and have acceptance that. And especially after hearing the second official Member of our Government explain it so efficiently and well. Also the Member under whose portfolio the subject falls, how he has explained it. I don't think there should be any misunderstanding with regards to local custom.

Now I don't believe that really what is causing the litigation in our courts on the land adjudication is really the local custom that has been used and decided on, I think it is the failure of the respective land-owners adjoining one another to agree on their boundaries. I think this is what has caused the litigation arising out of the land adjudication. Furthermore, I am convinced that it must be fully understood by the adjudicator in the Tribunal, because if it wasn't I would think he should have been the first one who should have brought this to the attention of Government and said "Look, we need this clarified". But nothing like that, as I know of, has ever come to Government on this matter and I feel that the adjudicator knows in his Tribunal what he is doing and they fully understand what its all about, and have decided on it as what they consider, or what has been established here as local custom.

I really can't see why any Judge of our Court has anything at all to do with this, because as I understand it, once it has been decided by the Tribunal that it is the local custom, which a decision has been arrived on in giving swamp land, and this applies, I think only to swamp lands to people who adjoin swamp, thus this is a matter of fact, and there is no appeal to any court on this particular issue. So I can see no reason why any Judge should dabble into this - it doesn't really concern him, and I would think it would be best for them to refrain from making such remarks in our courts especially and try to belittle the legislatures and the law.

If this motion was carried, I think it would be more than just really clarifying what local custom means - you would, first of all, to my mind, establish something absolute in the law which would, I am sure, be looked upon, by not only Members here, as nice to some, but by everybody outside as a dictatorial law which establishes that if there is a piece of swamp adjoining your property, that you automatically own it. Now I know several areas here in George Town, on the outskirts of George Town that have swamps on them, I know a swamp that adjoins a piece of property that I have, something like five or six acres of swamp and it adjoins my property. Now would it be said that I should own half of that swamp, as a piece of that swamp when, I know, quite well, that I have no right whatsoever, I have consumed that on this other swamp that adjoins me, but if to my mind, this was carried, this would imply that I would own a piece of that swamp land, which I must tell you that I would think most unfair - I wouldn't want it. And then you would have to abolish your Tribunal, which I am sure no one would want to see done.

Mr.President, as far as I am concerned, I don't see where, by changing this, accepting this motion that it would do any real good to the law which we have now, and would serve any good purposes. I am sorry in a sense that I have to oppose my colleagues, who is the Lady Member from George Town, but I can assure her that it is because of my own interpretation of what local custom means that I am doing so. I believe that in time to come she will find that it is best to leave the law as it is and not change it. Thank you, Mr.President.

MR.SPEAKER: Does the Honourable Lady Member wish to exercise her right of reply?

MISS LOUISE F.ROGERS: I most certainly do, Sir. Mr.President, if it was not for the grace of God, I would not be here to address

MISS JANIE M.BODDEN (CONTINUING) Like Councillor Evans this afternoon. Everybody in the Cayman Islands and abroad knows that I opposed the Land Adjudication Bill up to a point.

Now I am going to preface what I am going to say by this that I am sixty-seven years of age, I have been working from before I was fifteen years old in connection with land. I am the oldest typist in the Cayman Islands and I pride myself I am the oldest person in George Town today who knows the fact about land as I do.

Now this did not happen to my just because I am trying to oppose Government, from the time I can recall I was very interested in land. I remember on one New Year's day, many, many years ago, my sister, Mother some friends and I were sitting on the porch and I heard a quarrel over land. I left, I went to hear what it was all about. My sister said you should be ashamed of yourself on a New Year's day to go and hear people rowing over land. Well, I was so interested in it that I did go, not to hear the quarrel, but to hear the facts. Ever since that time I have been interested in land and I want to further say, Mr. President, I am very much in favour of Government.

I went to a case last year in which I risked and lost the friendship of one of the most prominent people in the Cayman Islands because I fought for Government to retain their land. I am not anti-Government, I am very much in favour of Government and I am not in this Assembly to accept or get any bribe, any gifts, any anything, I am here to serve the people and the pleasure I get out of it.

While other women my age have their daughters, their sons, in-laws, grandchildren, to hustle and worry about, I have nobody + I am a lone woman and this is my pleasure and I would begrudge me myself to come to this Honourable House and oppose Government, just to oppose. I am very ashamed of anybody who would think I am trying to oppose Government. For what? I am part of the Government, even if I were not in this House and I have been in this House fifteen years and I have fought the cause of Government all these fifteen years, if they were right, but if they wrong they are wrong, and I do not accept everything anybody has to say. I have a brain of my own which I wouldn't trade with anybody else here, because I also have a conscience and which I live by.

Now, Mr.President, I had something in the Court House about this Land Law and this was the advice that was given to me. "Your Counsel is on the right track now - let him keep her in the witness box as long as possible and when she is mentally exhausted and collapses your case is won". Well, that won't happen today. I won't collapse, you can be sure about that. I didn't collapse then, because, like Saint Paul, 'those stood by me the Angel of the Lord whose I am and whom I serve" and He kept me brave, and I was Christian enough to give up fifteen hundred dollars to my friend here to show the Christian I am. I don't care a little under my arm - I live Christianity and I am going to tell you, Sir, that I am here to fight the cause of the people.

Now, Mr.President, I think that this whole resolution is being misconstrued. I am not saying anything against what the Land Adjudicators did or what is custom. I am saying that the judges in our courts do not accept that these things should not be properly defined and that is all I am asking, that the definition be put as is.

I have won more cases in the Land Adjudication Tribunal, I have made more money out of it than most anybody, I lost two cases. I have won cases, a lot of them I did for nothing but the pleasure I got out of it and so it is no effect on me. The Land Adjudicator and his assessors have decided what is custom - I am saying that custom in South Cayman is universal - it is West Bay, Bodden Town, Savannah, all over the place - we haven't got any custom that pertains to George Town + one to West Bay. I have in my office old documents, one in particular from Scotland, I am leaving the estate to his daughter saying " I own the one half of cliff, the one half of bottom wood, one well of water". So this

MISS ANNIE H.(GOOSEN KNOWING)" is not anything I am trying to manufacture. I am trying to move our country for good cause and I only wish that members of this House had been in the Court House on two occasions and heard the impressions conveyed, and I would say, from Honourable people.

Now, Mr.President, I have been in the Land Adjudication Appeal, to my knowledge, up to date, twenty-two Appeal Heard - Fowler - Amoro, Vernon Henderland has not been decided yet. My colleague from West Bay, if he would tell the truth, knows that we were in Court - we had certain functions, and we were quite convinced what was what, but before that, the very Adjudicator was brought in and he said, and I root know if my colleague from West Bay was there at that stage, "You might have to amend this law before I give a decision". So, I am not trying to build up my case - I have no land to get, no swamp land business - I have my land with five absolute titles and the other three I'll get, the Lord willing, if I live. I'm only trying to have this thing made perfectly clear, not for the Adjudicator, but for the Judges of the Grand Court who claim that it is too vague for them to understand.

I presently have a case before the Court and my good friend Mr.Truman Sudden is on the other side, he said "We are both lost".Well, he tried to point out that local custom means nothing. The Judge said "It means something . It is up to us to find out what it means". And I feel, Sir, that when I brought this resolution I brought it for that specific purpose, and nothing else.

Of course, I might have - it - it wouldn't disturb me because I know I have done my duty . What surprises me, Mr.President, is that those men on the other side who so strenuously fought to get local custom written in can sheil down now. I am surprised! I am surprised! they knew the case, along with myself, who fought it - Well, we lost and I am quite sure I will loose this and I am very sure that when certain facts come back from the Jamaican Court of Appeal we might hear the same words "Your law is so vague we can give no decision". It is causing litigants tremendous amounts of money because when it comes on these Land Appeals they get the ablest counsels they can from Jamaica, and let me tell you, Mr.President, they don't work for any song, and I have said it and I will repeat it again today, Sir, with all due respect to all and sundry, there's only one person in the Cayman Islands I would put my head on the chopping block won't steal land and that is the Honourable George Clarke - he never wanted any - he doesn't want it now, but people who are absolutely brazen in everything else will go ahead, take people's land and think they have done right.

So, I am saying, Mr.President, my only thought in bringing this was to help women the pressure in the Court, not any gain for Annie Huldah Gordon. I have never put anything in being this Assembly.Sara Thomas has low books, but I've got fifteen years of pleasure and happiness and I shall continue, if God spares my life another fifteen, to stand here and fight the cause of the people. [EXCLAIM: Good!]

Now, Mr.President, I am alarmed to think that these two words "AND CUSTOM" it has been expressed on open Court that local custom or otherwise would not refer to custom under the Custom Law of England, custom in that manner was abolished in 1185". Now there has been an opposition that I don't understand. Now, I don't know (we like Latin words, I would call them at these days, I never had that privilege. I was too poor. But I learned the hard school of experience and I wouldn't trade what I know today for any person I meet when it comes on land. I am only saying, Mr. President, to try to have it put in law that there will be no confusion. If I gain or lose cases, if I want money out of it I can get it, because I can manage to get it, but I go to

MISS JANICE M.ROGERS (OPPOSITION): Mr. Speaker, there are many instances protecting poor people, who haven't got a penny to pay me, and I am just as happy or happier than if I got my two hundred and fifty dollars a day, and I feel, Mr.President, that we, as Legislators should not put any stumbling block in the way of having justice administered.

Now I am not complaining about the adjudication one second. I am complaining that what is given by the Grand Court of the Cayman Islands, if you cannot get a decision because the law is not vague and free there if they dont give any decision, I dont know what the next step will be, except to take it to the Jamaica Court of Appeal, and the majority of these people haven't got that kind of money, so I was trying only to pose a situation which I think should be corrected.

I will repeat, Sir, that I consider myself just as much a part of this Government as those four that we have out there and what really gets me is when they talk about I am bringing this because I have a problem - I have no problem - I lost fifteen hundred and seventy-five dollars on the land adjudication, and God provides money for my little child, only one thing hurt me in that case was this advice to abandon. That sunk into me and I don't think I'll get over, but I love my enemies as I hold nothing against anybody.

Now, Mr.President, I know I have lost this issue but I know one of these days it will come back and I might oppose it then myself because I will prove that it's will make you do a lot of things.

Now, I know I have lost it but I can sleep tonight, having got a clear conscience. I haven't taken any land from anybody, I don't want any. I have plans planned which I intend what I will with them myself, so its no personal axe in for me, but I feel that I would be doing less than my duty if I did not call the attention of Government to this defect in the law, according to the Judges of the Grand Court. Thank you, Sir.

MR.SPEAKER: The question is -

"Whereas section 16 (2) (a) of the Land Adjudication Law 20 of 1971 reads

'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 other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also'

AND WHEREAS as aforesaid nowadays the view has been expressed by two different Grand Court Judges and Counsel for the persons who have appealed from the Land Adjudication Tribunal that the term 'local custom or otherwise' is too vague and the Court has been put to grave disadvantage in determining what is actually meant and what interpretation should be put to these words

AND WHEREAS it has been expressed in open Court that "local custom or otherwise" could not refer to Custom under the Common Law of England, Custom in this sense was abolished in the year 1189 and that the Cayman Islands were settled Colonies in the year 1503 at the earliest

AND WHEREAS this situation has led to confusion and disadvantage to land-owners who have appealed to the Grand Court and is a reflection on Legislature and has been so expressed

AND WHEREAS at meetings of Select Committees held to deal with this Draft Bill before its enactment some of the legislators proposed that local custom should be defined as follows -

MR.PRESIDENT/CORVINUS: "the one half of all the swamp, cliff and button wood land should be equally divided between adjoining dry land owners as was the local custom previously"
but this was not acceptable and not adopted by the majority AND WHEREAS ambiguities have now arisen from these words "local custom" not being properly defined BE it remembered that steps be taken to have the section in (a) (b) as quoted amended in such a manner that it will be clearly defined the meaning of "local custom" to that one half of all swamp, cliff and button wood land be equally divided between adjoining land owners and that the Legal Department be instructed to prepare the proper amendment in time to be presented at the next meeting of the Legislative Assembly in November, 1975 to be dealt with
AND BE IT FURTHER RESOLVED that the word "otherwise" be also defined in the amendment so as to avoid any future conflict".

QUESTION PUT: AYES AND NOES.

MR.SPEAKER: I think the Ayes have it

MR. JAMES M.THOMAS: Could we have a Division, Mr.President?

DIVISION

AYES

Miss Annie M.Boddie
Mr.Claude Gill
Mr.James M. Thomas
Mr.Stanley Yorke

NOES

Hon. D.V.Watler
Hon. G.E.Haddington
Hon.V.C.Tregaskis
Hon.A.B.Bush
Hon. V.Turner
Hon. Vernon O.Malcolm
Hon.M.W.Connolly
Mr.T.M.Huntington
Mr.John Jefferson

MR.PRESIDENT: The results of the division are as follows - Ayes 4 Noes 9 Abstentions. Accordingly the motion is defeated.

THE MOTION WAS NEGATIVED.

COL.A.B.BUSH: We had a good crack at it, though.

THE LAW REVISION BILL

THIRD READING

CLERK: THE LAW REVISION BILL

HON.G.E.HADDINGTON: Mr.President, I beg to move, Sir, that a Bill entitled the Law Revision Law be read a Third time and passed.

HON.D.V.WATLER: Second.

QUESTION PUT: AGREED: BILL READ A THIRD TIME AND PASSED.

MR. JOHN JEFFERSON: Mr.President, if I am not out of order, I would like to ask that the Members of this Legislature authorize the Clerk to convey to our colleague, now present at the Assembly, members of Illness, the best wishes of this entire Assembly.

HON.M.W.CORNELIUS: I beg to second that, Mr.President,

MR.PRESIDENT: Well, I think the proposal is that the best wishes of the House be conveyed by the Clerk to the Member who is absent and has permission to be absent. And this should also be recorded in the proceedings.

Can I take it that all Members are in favour of this proposal . No dissenting voice then I shall ask the Clerk to convey the best wishes of the House to the Member concerned.

ADJOURNMENT

HON.D.V.MYLES: Mr.President and Honourable Members, we have come to the end of the business and I move that the House adjourn sine die.

HON.C.E.WOODHAMSON: I beg to second that motion.

MR.PRESIDENT: The proposal is that this House do now adjourn - if this is carried, then the House,under Standing Order is adjourned sine die, but for the notice of Members, it has been mentioned in the adjournment that we hope that the Budget Meeting of the House will start on Monday the 17th of November and this date will be confirmed later by the Clerk. However, if the motion is carried, we adjourn sine die.

QUESTION PUT: AGREED: AT 3.48 P.M. THE HOUSE ADJOURNED SINE DIE.

M I N U T E S

MONDAY, 17th NOVEMBER, 1975

PRESENT were:

HIS EXCELLENCY THE GOVERNOR, MR. IBRAHIM ABBEL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. MORLEY, CMG, JP	FIRST OFFICIAL MEMBER
HON. W. T. WORSINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. V. C. JOLLIFFE, OBE	THIRD OFFICIAL MEMBER
HON. R. B. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC UNDERTAKINGS)
HON. M. D. MERVIS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HOUSING, SOCIAL SERVICES AND LABOUR)
HON. M. W. CONNOLLY, OBE, JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND AGRICULTURE, FISHERIES, HEALTH, AGRICULTURE AND SURVEYS)

ELECTED MEMBERS

MR. T. W. FARRINGTON, OBE, JP	FIFTH ELECTORAL DISTRICT, WEST BAY
MRS. RUTH JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MRS. ANNIE H. HOWARD	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. DONALD HALL	EIGHTH ELECTORAL DISTRICT, GEORGE TOWN
MR. DAMIAN HOWARD	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. G. FRED BODDEN	SEVENTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CHARLTON FERGUS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

MAJ. TREVOR MORGAN	ATTENDING CPA CONFERENCE, JAMAICA
CAPT. J. A. REID	ILL

ORDERS OF THE DAY

BUDGET AND PUBLIC EXPENDITURE STATEMENT OF THE LEGISLATIVE ASSEMBLY

MONDAY, 17th NOVEMBER, 1975

COMMENCING AT 10 a.m.

1. PRAYERS.

2. TO BE LAID ON THE TABLE: DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1976 - BY THE HONOURABLE V. G. JOHNSON, OBE., FINANCIAL SECRETARY AND INITIAL OFFICIAL MEMBER

3. APPROPRIATION BILL, 1976 -

FIRST AND SECOND READING

FINANCIAL STATEMENT - BY THE HONOURABLE: V.G.JOHNSON, OBE., FINANCIAL SECRETARY AND INITIAL OFFICIAL MEMBER

MOTION OF APPROPRIATION OF HEADS OF FINANCIAL STATEMENT UNTIL TUESDAY, 18th NOVEMBER, 1975 - TO BE MOVED BY THE HONOURABLE V.G.JOHNSON, OBE., FINANCIAL SECRETARY AND INITIAL OFFICIAL MEMBER

TO BE SECONDED BY THE HONOURABLE D. V. WATERS, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

4. GOVERNMENT BILLS:-

(i) THE CUSTOMS (AMENDMENT) BILL, 1975 (1st, 2nd and Third reading)
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G.JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THIS SITTING.
TO BE MOVED BY HONOURABLE D. V. WATERS, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

(ii) THE TRADE AND INDUSTRIES (AMENDMENT) BILL, 1975 (1st, 2nd and Third reading).
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G.JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THIS SITTING.
TO BE SECONDED BY HONOURABLE D.V.WATERS, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

(iii) THE STAMP TAX (AMENDMENT) BILL, 1975 (1st, 2nd and Third reading)
MOTION FOR SUSPENSION OF STANDING ORDER 54 TO BE MOVED BY THE HONOURABLE V.G.JOHNSON, OBE., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER, FOR THIRD READING AT THIS SITTING.
TO BE SECONDED BY HONOURABLE D. V. WATERS, OBE., J.P., CHIEF SECRETARY, FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

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BUDGET AND FOURTH MEETING OF THE LEGISLATIVE ASSEMBLY
MONDAY 17th NOVEMBER, 1975
10 a.m.

MR. PRESIDENT: The Assembly is in Session. I invite Rev. Crawford to say Prayers.

PRAYERS: REV. JOSEPH CRAWFORD: Let us pray.

Oh Lord our God if ever we needed thy wisdom and thy guidance it is now. As this Assembly begins a new Session, we pray for the Members of this body in their several responsibilities; help them in their offices, in committees, and above all as they meet here in this Legislative Session. May they never forget that what is said and done here is not done in a corner, but always under thy scrutiny. May they feel the weight of their responsibility before them and remember the influence of the good example, that all who come to this place may have a strong faith in government, of the people, by the people, for the people. May these men and women so speak and act that all who wait upon them may be inspired rather than disillusioned by what they see and hear, and are asked to do. Gracious God make thy self real to these men, that each may feel them sitting beside him, and hear thy voice, and win thine approval in all things. We would pause at this time to remember those Members of this Assembly who are ill, place thy hand of healing upon them, and so help them too, for we ask these mercies in Jesus' name and for his sake. Amen.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE TO BE LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President and Members I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure for the year 1976.

MR. PRESIDENT: So ordered.
The Appropriation Bill 1975.

THE APPROPRIATION LAW, 1976

CLERK: The Appropriation Bill, 1975 First Reading

Moved by Hon. V.G. Johnson
Seconded by Hon. D.V. Mahler.

QUESTION PUT: AGREED.

CLERK: The Appropriation Bill, 1975 Second Reading.

HON. V.G. JOHNSON: I should advise Mr. President that this Bill covered expenditure for the year 1976, that is the Appropriation Bill, 1975.

MR. PRESIDENT: I stand corrected.

SECOND READING

HON. V.G. JOHNSON: This is the usual Budget Address following the Second Reading of the Appropriation Bill.

Mr. President and Honourable Members I have much pleasure at this time in presenting the 1976 Budget. This financial statement will first give a review of the current financial year 1975 with brief comments on the economy.

HON. V.L. JOHNSON (CONT'D): In January 1975 this country was confronted with an economic recession, and ten months later we were still struggling against its continuing effects. A small territory like the Cayman Islands, being totally dependent on an unstable economy comprising tourism and the off-shore financial industry; and at the same time being exposed to external economic swings, could in no way escape the effects of a world recession over which even the largest countries have no control. It has been said that this world economic recession has had no precedent in scale or duration since the depression of the 1930's.

When the last Budget was presented in November, 1974 although we knew that something was happening on the world economic scene which would eventually affect financial institutions everywhere including those in the Cayman Islands, we remained somewhat optimistic as far as these Islands were concerned although it was difficult to assess the extent to which the local economy would be affected. However three months later the full force of that raging world economic recession reached the Cayman Islands, pushing to the surface flimsily structured financial operations, and largely affecting those businesses with weak management. The 1975 Budget was however constructed to pay particular attention to the social side of the local community by providing reasonable employment within its ordinary services and increasing its efforts through capital projects. This strategy appeared to have been prudent since the economy was affected by the slowing down of private sector activities with the threat of creating an unemployment problem. To give effect to this policy and in the event of support more shortfall in revenue necessitated a planned withdrawal from reserves. It is fortunate that these were resources available for this purpose; reserves are created for situations like this.

There is as yet some uncertainty over the situation in the next few months, although many optimistic views concerning the end of the recession have been voiced both here and abroad. It is the North American recession which has had the greatest effect on the Cayman Islands because the local economy is dependent on a large portion of its business coming from that area. The forces which developed the recession are external and must be regulated by the countries of origin. The effects of the recession which are felt here will remain until such time as conditions improve abroad. And this is why one cannot be quite sure of the position in the immediate future: this is why/the Budget was prepared with some uncertainty.

The Year 1975
THE ECONOMY

We are all in agreement I think that the prosperity of these Islands at present depends on tourism and the financial industry. An economic survey for 1972 recently conducted under the direction of a United Nations Technical Assistance Adviser reveals that the sub-unit item. "Wholesale and Retail Trade and Restaurants and Hotels" took 45.0 percent of the labour force and contributed 31.67 percent to the Gross Domestic Product. The "Finance" sector, on the other hand, employed 21.71 percent and contributed to 12% to be still in the lead. Estimated GDP for that year was $23.50 million. The per capita GDP was $1953 with slight variation in the per capita national income ($1630). The population was estimated at 12,712, of which an estimated 6,000 were gainfully employed. It is regretted that later statistics are not available.

Up to August Tourism was experiencing a fall in traffic of 4.1% less than the figure for the same period in 1974. However a large part of this took place during the first four months of this year; thereafter the position returned to normal with slight increases during June to August. It is anticipated that by the end of the year there will be an overall improvement of traffic over 1974. Unfortunately hotel occupancies have not recovered as quickly as did arrivals. this is due largely to the shortened average length of stay, although there has been some improvement since July.

Hon. V.G. Johnson (cont'd): During 1975 cruise ship passengers became a new trend in tourism. There were only 2 two arrivals in 1974; 2512 passengers was the total, whereas the estimated number for 1975 is 41,000. Another improvement in tourism is a reservations service instituted in October 1974 which has proven very successful - to date it has generated about a half million dollars worth of business for the Cayman Islands. The absence of such a service in this period of the recession would have increased the problems in tourism.

The Financial Industry, which is the other important sector of the economy, has been holding its own quite well in spite of the recession. There were a few failures beginning in the latter part of 1974 which caused some restlessness in early 1975. However, confidence in the Cayman Islands remained strong in spite of adverse comments in overseas publications. Every attempt must therefore be made to uphold the confidence reposed in the political and economic stability and good government of these Islands.

The Bank Supervision Section of Government was strengthened in mid- 1975 by the appointment of an experienced and officially officer to the position of Bank Inspector. The cooperation of the majority of banks and trust companies has been excellent and this has assisted the Inspector in the performance of his duties. There are now over 200 banks and trust companies licensed here; approximately 40 with Category "A" licenses, and the others with Category "B" off-shore licenses. The number of companies and other institutions also continued to grow. At the end of September there were 4016 companies on the register - 3026 ordinary, 2291 exempt, and 369 foreign. Although this is an increase of 612 over the number reported a year ago, the actual number of new companies added to the register this year so far is approximately 1,000. The difference arises since a large number of companies has been struck off the register because of failure to comply with the provisions of the Companies Law. The office of Registrar of Companies, which is a section of Planning and Development, and which provides a very important service in the promotion of the financial industry, is now adequately staffed and administered by a young and energetic Registrar of Companies who has improved the service and its records considerably.

The financial industry is now built, altogether on the premise of confidence. Many of the world's leading financial institutions have established branch offices here, and they are here with the knowledge and consent of their home governments. Many of their international clients like Cayman because of the tax advantages, but this is not the only reason. Privacy in banking and trust business, the country's stability and the reliable service offered, are other reasons why many financiers prefer Cayman to other financial centres. Investors are attracted by the facilities of the Cayman Islands, and the country has become a highly regarded financial centre. Financial operations here are growing rapidly. All banks have now agreed to conduct interbank transactions between themselves and within the Cayman Islands. This will encourage the growth of the local financial inter-bank market, with resulting benefits to the economy.

Agriculture

Government's interest in agricultural development continues. During the year 23 acres of land was purchased by Government in the Savannah area to expand or demonstration area and advisory service. The main agricultural policy as seen by Government is the production of local product of an acceptable standard and price so as to reduce imports so that Cayman can become more self-sufficient; diversify the economy by allowing agriculture to be a prominent part of it; utilise products presently available in good supply and now being wasted, and provide articles for export as the market is available.

HON. V.C. JOHNSON (ACTING): Perhaps 1976 should be declared "Agricultural Year" and importers requested through the Chamber of Commerce to support local products and reduce their imports where possible. This would certainly give Agriculture the sort of boost it needs. The entire programme would need the support of everyone if it is to succeed.

INFLATION AND COST OF LIVING

It is said that it takes among other things a certain rate of inflation to generate rapid economic development within an economy. The Cayman Islands have had this experience since 1971, when the annual rate was estimated at 10 percent and over. While there are developers and even Governments who advocate rapid economic development because of the business it stimulates and the quick benefits generated to both the private sector and government, this grew a definite threat to continued future development because of the ill effects of inflationary trends. The middle of 1974 however saw the easing of this rapid growth which clashed with the ensuing world economic recession. By early 1975 there was a levelling off where the local rate of inflation was slightly above the rate of imported inflation which is estimated at five percent. It is reported that inflation is beginning to ease again as some areas will suffering the effects of the recession. Usually inflation only ceases at the end of recession. I hope the Cayman Islands will not be plagued with both evils at the same time.

Cost of living behaved much like inflation. In 1973 the index revealed a rise of 33 1/2 percent, then in 1974 this figure fell to 17.5 percent. The first six months of 1975 indicated a downward trend instead of a growth towards some 8 to 10 percent. Those in doubt that the end of the year will see significant changes. On the basis of the foregoing it would appear there is no case for wage and salary adjustments such as in the coming year.

PLANNING

Planning became a subject of much interest during the year when the Draft Development Plan went to public viewing for comments and objections. The Plan is a statutory requirement under the Development and Planning Law 1971. In June 1973 the Legislative Assembly resolved that it be produced and presented to the Assembly not later than mid - 1975. Because of extending the period for public viewing of the Plan by an amendment to the Law, coupled with the difficulty in securing a Chairman of the Appeals Tribunal which will examine public representations before submission to the Legislative Assembly, it will not now be possible to present the Plan to this Honourable House before March or April 1976.

At the present time an Interim Development Plan, authorised under the Development and Planning Law, is used by the Planning Authorities as a guide in dealing with land and land use in Planning matters. Even though it is an interim development plan, it does provide basic control in planning and while it could continue in use if the proposed plan is delayed or suspended or rejected by the Legislative Assembly, it would be in the best interest of the Islands to have a final plan in the form agreed as it would be structured on present Government policies of Government, the most important being population growth. There have been various views expressed on the Plan, from complete acceptance to total rejection. While the feelings of people who may own large tracts of land which would be subject to zoning are appreciated, so are the feelings of those people who believe that the Plan would retard progress and development, it must be appreciated that Government is only endeavouring to ensure, as the Development and Planning Law provides, orderly development in the best interest of the country. The Law has made provisions for the Plan to be reviewed for alterations and additions as appear to be expedient. There was

HON. V.H. McKEEVA (CDM'T): mark the main function in the introduction of the Land Adjudication system. Today its advantages are recognised Island wide. It is the view that no appreciable foreign investment and development will take place in these Islands until there is a reasonable and workable development Plan.

The Legislative Assembly has the final word in accepting or rejecting the plan. Whether 1975 was the ideal time to introduce the plan or not, the public must understand that no individual in this Government advocates the Plan. It is a requirement of a law which came into effect in 1971 and a request by the Legislative Assembly at the end of 1974 to present the Plan to this House by mid - 1975. We should therefore be reasonable in our thinking. If what is put forward is not to the likes of some individuals, then there was the opportunity for alternative suggestions. I can assure everyone that there is no one in Government who wants to trade the Cayman Islands on the black market so as to destroy its economic growth and development; accusations against this are under regular scrutiny every day. The planners have worked hard with a great number of extra hours spent on a job assigned to them. It is being done in good faith even if without encouragement and acknowledgement.

Revenue and Expenditure

The year started in a much stronger financial position than was originally estimated, as 1974 ended with a surplus revenue balance of $2.01M million or 15.3% more than the revised estimates. Even though the increase represented only $268,000 it was to prove more valuable because of what followed in the months ahead. As I mentioned before the world economic recession had its full impact on the Cayman Islands from early 1975. It immediately affected tourism and the construction industry with consequential drop-off in imports. Over the past ten months of this year customs import duty fell below the estimates. The revised revenue for the year is $9.339 million (original estimate $11.72 million). The overall position reveals a shortfall in revenue of nearly half a million dollars. A saving of $140,000 in estimated expenditure in retrenchment, thus improving the position somewhat. The budgetary deficit of approximately $40,000 shown in the 1975 estimates of Revenue and Expenditure will increase slightly to about $113,000. This is arrived at from shortfall in revenue estimates $495,000 plus the 1975 estimated deficit of $48,000 as against increase in revenue balance $268,000 and savings in expenditure $160,000. Perhaps the position may improve by the end of the year if activities increase and greater effort is put into revenue collection.

The two new tax measures introduced in January 1975 to increase companies fees and banks and trust companies licence fees have produced a reasonable amount of revenue so far. If the estimates are not made then the shortfall could be attributed to temporary economic pressures on the financial industry.

Health, Education and Social Services

Last year I mentioned the principal Hospital modernisation programme. Phase 1 of that programme has just been completed. The Hospital complex has been greatly improved in accommodation and facilities and in health care services. Other improvements include a new laboratory in the Public Health Section fully equipped for water testing, and also a bacteriological testing lab. All these added facilities should now guarantee the public a better and more efficient service. It is planned that Phase II of the Development Programme will be undertaken as soon as finances can be arranged.

The Education Department continues to be the second biggest spender of public funds under incomparables. Although growth in primary and secondary school staff appears to be reaching its peak

EDUCATION [illegible] Under the current education programme, improvement in the quality of education requires that expenditure continues at an increase to meet provisions for equipment and consumable materials for all schools.

At the last Budget Session in November 1974, I spoke briefly on the future of the Cayman Islands High School which under a new Principal showed even in those early days to have been improving steadily. After the end of an academic year this was confirmed by the results of examinations which revealed a significant upward trend in passes. The institution is now perhaps one of the finest secondary schools in the Region. As the school will play an important role in the future educational requirements of this country as well as in support of the economy, much will depend on its achievement in both the academic and technical streams. We hope its progress and standard will continue.

A student loan scheme between Caribbean Development Bank and this Government was introduced during the year with supporting legislation whereby the Bank will make available to Caymanian students loans for the purpose of pursuing approved courses of higher or technical education in learning institutions of countries associated with the Bank. The sum total of the loan will be C$60,000 to be administered by this Government and distributed in the first instance through the Education Council. Government will pay interest at 6 percent per annum and the student 9 percent per annum. Both will cease to run after ten years. Government is given 5 years moratorium and the students are to commence repayments 18 months after successful completion of the course for which the loan was made. The arrangements were concluded too late for the commencement of the present school year, but it is hoped that the scheme will prove useful to students who wish to avail themselves of the facility and who can qualify for the assistance.

The Education Programme is apparently going well. In the primary section, schools are now fully staffed with qualified teachers. The newly established Community College announced recently which is designed to offer adult education is not to a good start; it is self-supporting. The building programme continued with the construction of a modern infant block as an addition to the West Bay Primary School, and the Cayman Islands High School's Learning Resources Centre and Changing Rooms complete with showers for pupils engaged in a modern physical education programme. In Cayman Brac a new classroom was added to the Secondary School to cater to the growing school population. The British Government's aid funds are really assisting the programme.

The National Council of Social Service, since its inauguration in January this year, has carried out surveys in all the Districts to assess major needs. Many committees have been assembled to assist the programme. Revenue from food, donations and fund raising activities have met staff, community needs including the renovation of buildings. The programme has been expanded considerably and much effort is being put into fund raising. All these efforts should produce good results and encourage the Council to continue doing an excellent job.

MOSQUITO RESEARCH AND CONTROL

It was mentioned in the last Budget Address that in 1974 the Mosquito Research and Control Unit was faced with the problem of mosquito resistance to the insecticide malathion and that the 1975 programme would concentrate largely on physical control. A new technique was developed during this year which can replace the very expensive dieldrin proposal of 1974. This cheaper technique is a water regime regulation by a network of suitable canals in the saline breeding habitats (black mangrove). Already about six miles of dykes and canals have been constructed and tests conducted with encouraging results. Early indications suggest that this method could lead to a major breakthrough for physical control in these Islands. Like all physical control methods, the implementation is slow and capital intensive and progress will depend on availability of equipment. In conjunction with this programme mangrove studies and research

1974 V.C. BIRDSEY (CONT'D) have been under consideration again with external assistance.

Already with the insecticide Dibion commission to be effective without any obvious increase in the susceptibility of local mosquitoes. It has now been in extensive use for 30 months. In order to avoid future resistance as in the case of malathion, a policy has been rightly enforced that no already over mangrove areas should be undertaken. However, this resulted in a lower level of control than that of 1973 while insecticide consumption increased because of extra efforts in dispersal over the residential uplands of the Island.

The Unit's efforts to control mosquitoes have in fact not been as simple task. Mosquito control is an important aspect of development; although there control over the past two years tourism for instance would not have developed as rapidly. The absence of mosquitoes also makes it very pleasant for those who reside here permanently. Let me therefore wish the Department continued success in its programmes.

SAVINGS BANK AND CURRENCY BOARD

For the past few years consideration has been given to the issues of Government Savings Bank and at one stage there was a bid by the commercial banks to take over the operation. The offer was not attractive enough and Government decided to promote the bank by improving deposits and the investment portfolio. The latter was not difficult but the measures to promote deposits did not get very far because there was the need first to revise the Office and arrange for staff who could effectively do the promotion. At the same time the Currency Board, established in the latter part of 1971 to admin;ster the local currency put in circulation in May 1972, was also given careful thought, especially in the area of increasing its activities beyond merely being a vehicle to issue and redeem currency. Again it was a matter of first finding a suitable office and then staff to undertake the duties.

During this year it was decided to operate both the Savings Bank and the Currency Board from one office and under one management, and to establish this office on the ground floor of the new Administration Building. An appointment was made to the post of Director: Savings Bank and the same Officer was also appointed Manager of Currency. The cost of management will be divided equally between the Savings Bank and the Currency Board.

It is hoped that this new arrangement will benefit both the Savings Bank and the Currency Board, to enable us to justify the action to re-organise the systems. This could lead to the expansion of the Currency Board into a Currency Authority and perhaps even beyond that in years to come. The development of the Cayman Islands as a financial centre is moving so rapidly that one can never be sure what the future may demand in this respect.

POLICE

There were two general organisational changes in the Police Department during this year. The first was the relocation of the Immigration Section which now comes immediately under the Chief Secretary. Immigration however, is still housed at Police Headquarters Building and will remain there until other accommodation is available. Arrangements are being made for the Department to be housed in the present Establishments Office when the Establishments staff moves to the new Administration Building. The move of Immigration will otherwise ease very needed office space for the rapidly expanding Traffic Branch and Licensing Section.

The second change was the establishment of a Treasury and Licensing Office under the Traffic Section. Prior to this

Mrs. V.C. Jeffers (cont'd) ...year the Treasury was responsible for licensing of motorists and issue of drivers' licences, but since the beginning of this year the Commissioner of Police was appointed licensing authority under the New Traffic Law and thus became responsible for licensing and collection of fees. A completely new system of licensing and documentation was introduced, based on the system normally used in the United Kingdom. And although it creates extra work for the staff who have coped well under the circumstances, it remains a considerable record of all who register or license under the Traffic Law. There have been delays in the implementation in this first year but now that the initial documentation has been largely completed it should be possible to maintain the biannual relicensing of public service vehicles in a manner more convenient to the public. It is feasible that in normal circumstances where no changes in particulars need to be made, the licencing of motorcycles can be effected by post. The Licencing Office will be improved as soon as the space now occupied by Immigration Services is available.

It is reported that during this year there has been an appreciable increase in the cost of all services in the Police Department. A large part of this is probably the continuing effects of previous years high rate of inflation still keeping with the police budget since existing persons would have levelled off locally from the beginning of the year. The recession this year made the situation worse since there were no funds for supplementary expenditure. The Police services are in a process of development and expansion in order to serve the community adequately. But this is made difficult with the steady and apparently inescapable trend towards crime caused by a defiance of authority and the establishment rule of law. This means that funds by match the task facing the force as a whole increases. This is why it is necessary to place sufficient funds at the disposal of the Department especially in the areas caused by law enforcement.

Capital Projects

The new city projects, Administration Building, Roads, Port and Airport Terminal Building, made reasonable progress except the Airport project which has not gone beyond the first phase.

The Administration Building was completed and occupied on the 20th October and will officially opened this evening. I am sure all Members have been watching of it and no doubt made comments. It is in keeping with those in Cayman Islands and in many other countries in the Caribbean. It has impressive features as a glass building. It is functional and spacious and with its 80,000 square feet of office space it should fill the requirements for the next ten years. The final cost is not yet known but there should be no increase over the revised cost reported to the Finance Committee recently.

After a long rehabilitation period a start was eventually made on the road paving programme in the earlier part of the year. Public Works hope to complete approximately 20 miles of paving by the end of the year or whenever the present funds from the consolidation loan are exhausted. The new road asphalt mixing machine has its teething pains causing many days hold-up in the programme from breakdowns and other minor problems. Funds will be required over the sum allocated from loans to complete the project. There are 30 miles of roads in this programme, therefore additional funds will be required for labour and core material to complete 8 miles.

Finance for the Port Project was finally secured. Caribbean Development Bank provided $2.5 million made up of $650,000 at 8 percent and $1,850,000 at 7 percent repayable in twenty years from the first drawdown. The cost of the main project is $3,058,000 which does not include a Customs Administration Building, equipment, planning consultants fees, dredging to a depth of 15 feet against the original plan, a

The U.K. Minister (Overseas Development) has also recommended the final redesigning of the port, lands and other smaller jobs. Total cost could amount to approximately $4 million. However, the northern extension and the Customs Administration Building will not be undertaken unless funds are available. The cost beyond the Ports' $1.2 million will be borne by the Government from revenues and loans. The contract was awarded in April 1975 and should be completed by the end of 1976. There have been slight delays from dredging requirements but these have now been cleared.

The first phase of the airport project which provided for a freight shed and a water tank has now been completed and in operation. Implementation of the second phase which will provide of the terminal building and parking areas as scheduled. Request was made to Caribbean Development Bank for the financing but recent indications are that the Bank is unable just now to locate funds for such a project. It may even be difficult at this time for this Government to embark on another project that size because of the exceptional high cost of these projects now under construction, or pending completion and because of the economic recession which has affected revenue intake. The present terminal will need to be remodelled to serve until funds become available to purchase lands, reconstruct the new building and provide new and additional parking areas.

The Broadcasting Station is nearing completion and should be on the air in January. Delay is due to the usual, since, late arrival of material and equipment, a disease of the construction industry. The United Kingdom financed the element of capital cost in the sum of $984,675 divided into grant £40k, loan £160k, leaving an interest free loan of $158,477 repayable over 25 years. According to the latest figures this Government may have to contribute a substantial sum to the project because of escalation in cost.

Rehabilitation of the Cayman Brac airfield financed under a British development grant has been delayed considerably since approval of the project because of difficulty in obtaining adequate material in Cayman Brac for resurfacing of the field. Material is now available and work should start early. However, the amount financial arrangement will need to be reviewed and perhaps supplementary British aid in the form of a loan undertaken to complete the project.

A number of capital projects including Police Development Programme for construction of sub-stations in the Eastern Districts have had to be postponed or only partly implemented because of the revenue position. All allocations for Cayman Brac and Little Cayman were reinstated.

CAYMAN BRAC AND LITTLE CAYMAN

The smaller Islands of Cayman Brac and Little Cayman are still struggling to induce activities to supplement the economy. Public access to the Brac first breathed with Government and private sector assistance in providing jobs has kept the economy alive. In 1974 there was some prospect of the development of a crude oil storage terminal and again this year when similar application was received. The recent application, although genuine, was not supported because of the promoters' commitment to deliver a certain quantum of the oil which it would be storing on Little Cayman to Cuba. The first application by a New York firm is still being packaged. Similar interests are now being shown by other oil companies and one has recently approached Government on the subject.

As Government is now pursuing to examine proposals for all industries on Little Cayman with now proceeding first to commitment will be made prior to Consultants recommendation. There is the possibility of a variable economy for these Islands in the future. No doubt just as soon as the world economic difficulties are over developments will come forward with genuine proposals.

CAYMAN BRAC HIGH

In April this year a Team from British Development Division in the Caribbean led by the Head of the Division, Mr

HON. V.H. JOHNSON (CUBA'D): Three Crutchfield Adviz , Cdr., USN., visited the Cayman Islands to carry out a survey to identify any problem areas existing in the territory developed. They will attempt to outline the path which is reasonably attainable objectives s.. that may wish in order to economically and efficiently as possible and all policies are orientated in the same direction. Still a lot to work made to obtain British dependent territories in the Caribbean.

The final report has not yet been received. The visit, however, was considered very successful and beneficial. We wish to thank Sir Bruce and his team for their valuable time and assistance.

THE NEW YEAR 1979

I think it is fair to say that never in my eleven years in this office has a budget been more difficult to prepare nor has a Budget been prepared against a background of more international uncertainty.

The year will begin with a small deficit of $114,000 according to the Revised Estimates for 1978. If activities in the last two months of 1978 increase as expected the deficit might disappear. However it is a time of recession one cannot be very optimistic in estimating the financial position even a few months in advance, and so we must tread slowly and cautiously.

The estimated revenue for 1979 is $11,611,335 which includes a sum of $750,000 to be brought down Capital Projects Fund Reserve as part of the local revenue contribution to the Port Project. Estimated expenditure is: recurrent $10,615,949. New Services $87,393 and Capital (Local) $,[illegible],488, a total of $11,613,101. The 1979 shortfall of $114,342 added to this will create a budget deficit of $,[illegible],[illegible]. The position was very much worse than that at the early stage of preparing the budget but great effort and pain into re-examination of revenue and pruning of expenditure in all areas. New services proposals, except for a very few items, were not put forward and capital expenditure only comprises provisions for current projects for which Government is committed. In previous years there was a surplus revenue balance coming forward into the new year to assist new services and capital expenditure. 1979 will not be so fortunate. We will continue to request assistance from the British Government in areas of capital expenditure which qualify for aid. Capital expenditure by British grant aid is $[illegible],[illegible] and my loans from all sources $2,436,220.

NEW REVENUE MEASURES

This large deficit of over one million dollars is a matter of grave concern. The question I am sure in everybody's mind is how do we treat such a deficit: do we carry it forward or do we provide ways and means of balancing the budget. The latter is desirable because special authority would be required to operate a large Current Deficit. In order to balance the budget new or additional revenue must be provided. The following are therefore the proposals:-

1. Hospital Fees: $222,000

Hospital fees have not been revised in six years although this was contemplated five years ago. Now that the facilities of the Hospital have been greatly improved it has been decided to increase fees early after the opening of the new inpatient block. The anticipated fees for 1979 were $129,000 which have been revised to $45,000. The new rates are estimated to produce in fees $261,000 or $132,000 over the 1979 estimates. It should mention that the recurrent medical expenditure for 1979 is nearly one million dollars.

The increase in Hospital fees has already been included in the recurrent estimated revenue for 1979. Other proposed

BOX, U.S. JERSEY (CONT'D) reserve which will produce approximately $1 million and which if approved will reduce the shortfall to $110,000 for next year.

2. The Traffic Law 1973: Additional Revenue: $213,000

Fees are being increased on all vehicles and other items set out in the schedule of the Traffic Regulations. This was considered to be reasonable because of the large sums of money being allocated to provide good roads and to maintain them. Better roads have their advantages; longer life for vehicles, reduction of maintenance cost and provision of comfort in travelling over long distances. And increase in road tax is therefore justifiable.

3. Companies Registration Law 1971: Additional Fees $30,000

Fees are being increased on work permits and on applications for the granting of Caymanian status. These have not been revised since the law came into effect in 1971. The present fees are considered small especially when comparing the cost of administration today against the cost in 1971.

4. The Development and Planning Law: 1971:
New Fees $10,000

All fees in the schedule of the Development and Planning Regulation have been examined and an increase is recommended for the majority. There is a similar case of 13) above dealing with Work Permits etc.

5. The Post Office Law (Cap.129)
Additional Revenue: $60,000

Letter box rentals are being increased and also rates of postage, registration fees and special delivery charges to destinations outside the Cayman Islands. These postage rates have not been revised recently while increases in other administrations have risen generally. Other countries have been revising rates up within the year. It was found necessary therefore to revise local rates to align with the expenditure involved.

6. Lighthouse Law (Cap.83)
Additional Revenue $2,000

The rate of lighthouse dues is being amended to introduce a new form of charge on a vessel per trip basis instead of the present per vessel per annum basis.

7. The Customs Law, 1971:
Additional Revenue: $700,000

There are two amendments. The first to increase the rate of import duty chargeable on the importation of motor vehicles from the present 20 percent to 27½ percent. It should be noted that the local rate of import duty is the smallest importation tax on vehicles in any country. The grounds for this increase are similar to those for the road tax increase. Traffic congestion and parking problems in George Town should also be borne in mind.

New V.I. Company (Exempt): This second amendment is to remove all preferential rate of duty from the schedules of the law to comply with the rules governing the Cayman Islands' association with the European Economic Community. Close examination of this exercise indicates very little changes in revenue collection since most items under this category are now imported from areas outside of Britain and the Commonwealth countries.

The Companies Law (2...22)
New Revenue: $250,00

This section seeks to impose special incorporation and annual fees on ordinary companies designated non-resident for Exchange Control purposes. These are companies given complete freedom to operate off-shore and many are now using this facility rather than that provided under exempt companies. It is reasonable therefore to impose a fee equivalent to an average of the ordinary company and exempt company fees. I am confident there will be no objection to this new category of fees. Other than for filing of documents, issue of certificates and copy of documents.

Presently when a company is struck off the record and reinstated by the Court within the six months period for this, no fee is paid for such service. This amendment recommends a reinstatement fee equivalent to the original incorporation or annual fee.

9. The Trades and Business Licensing Law, 1971:
New Fees $25,000

It is recommended that Grocers and Business be re-classified with appropriate fees. One area which caused some concern was the general heading 'retail business' which would include from a tiny store to the largest supermarket. It was decided to put this type into three categories on the basis of selling areas: up to 800 sq. ft., 801 to 2000 sq. ft., and over 200 sq.ft. Fees apply equitable sums to each class.

It is hoped Cayman Brac and Little Cayman pay 25 percent of the fees chargeable under the Trades and Business Licensing Law but because of the currency system recommended for retail businesses the rate for the smaller islands will be 20 percent somewhat.

10. The Firearms Law 1964:
Additional Revenue $7,500

Licence fees were increased to double the present rates. This was considered reasonable as rates had not been revised for quite a number of years.

11. The Travel Tax Law 1969: $40,000

There are two recommendations. The first is to increase tourist tax from the present $2 to $2.40. Although the main reason for the increase is to increase revenue there is a valid point for selecting the figure of $2.40. At a conversion rate of U.S.$0.80 to U.S.$1 the $2.40 is equivalent to U.S.$3.00 and it was thought that the U.S.$3 would be less confusing to visitors. The present U.S.$2 does cause difficulties at times.

The other recommendation is to impose a fee of $1.00 or U.S.$1.20 on cruiseship passengers arriving in the Islands. It is proposed to bring this new measure into effect on the 1st January, 1974. The reason for the delay in the effective date of operation is because cruise-ship companies need sufficient advance notice to amend tour rates to include

Std. V.C. Double (cont'd) any conditions. Owners have asked me fixed on a yearly basis and to introduce the tax in January 1990 would be making a charge on the mid year occupation which the passengers may not pay.

Simultaneously with the coming into effect of the Tradeship possessions tax will be an adjustment of tourist accommodation tax to remove the tax from the element of rooms. At present this tax is paid on room and board but there are hotels which have deliberately separated the management of the restaurant from the hotel in an attempt to avoid the tax on food while others not in accordance with the principles of the law to pay the tax on both food and room.

Despite amendment of the law carriers, Societies will need to give the Department of Tourism an assurance that the proposed rebates of tax on products under the Tourist Accommodation Tax will not affect them the opportunity of reasonably adjusting their rates towards to replace the removal of the Government tax.

As this is the end of the new tax programme I would like to say that much was made of a land or property tax which the last few months which was unexpected for. I have been a Member of this Honourable House for eleven years and during this period I have never recommended to the Executive or to this Assembly any tax measures which would be more or unpleasant to bear or become unacceptable by the people of these Islands, whether Belongers or visitors to the Islands. On one occasion a graded personal tax came forward and was adopted but it was the recommendation of a Committee of the Legislative Assembly. Taxation is never accepted by the people by the public. The session is appreciated; yet taxation is inevitable as it is the only means by which Government can finance the Government of its services and expend them where necessary. The large portion of new tax measures over the last decade has been directed to areas like hotels and local companies licence fees, companies fees, stamp duty on land transactions and increased import duty on liquor. Statistics will indicate that non-residents contribute largely to these. It is my view that the Auxiliary tax programme will during the period of known we have reviewed each and there is much more to be had if we go about it in the right manner and not like the dog with the fleas in his mouth looking at the shadow in the water below.

The Government stated publicly already that it had no intention of introducing a land or property tax as is being suggested. I am sure that there is no section of Government that would want to introduce a land or property tax which is known to be against the wishes of the people.

GOVERNMENT EXPENDITURE

The estimates for this year exceed the provisions of last year by nearly one million dollars. The increase is distributed over all the Departments except Public Works. This Department should be given support for supplementary in the areas of roads, public property and vehicle maintenance which were reduced, should funds become available during the year. On the other hand, Education had a built overrun because due mainly to the continued growth of the Comprehensive School. Salary increases were also allowed in a number of other Departments because of the nature of the service and operating commitments. Many requests under this section could not be supported because funds were not available.

NEW SERVICES

It follows that if funds were not available to support all the requests under irrespective they applications under this section would not stand much chance of going forward. Very little in fact has been recommended in comparison to the number of requests made.

MRS. V.C. DONEGAN (Cayman Brac/Little Cayman) takes two clauses of this - $99,814. The total is $815,190. The 24.11 percent increase in education expenditure mentioned in the last paragraph under Recurrent Expenditure includes the conversion costs this section.

CAPITAL EXPENDITURE

a Local Revenue Contribution

Shortage in revenue resources has caused expenditure under this section to be limited to $1,356,122 or $739,000 below the 1975 provisions. Included is $700,000 for the Port Project and $225,000 for the Roads Programme. Both these projects will require additional funds for their completion. It is not known when the Port will be completed therefore no further funds may be required during the year. The Roads Programme will certainly need more funds by mid 1976 and work will only continue if money is available. The balance of $120,000 has been distributed to smaller projects.

b British Grant:

Projects under this section have now been completed except the Cayman Seaplane Reconstruction Programme which should be completed by the end of 1976. This project will need additional financing and the request will be made for further British aid under the present loan arrangements. Earlier grant aid to the Cayman Islands for capital expenditure ceased at the end of March 1973 and was temporarily replaced by interest free loans repayable over 25 years with six years moratorium. Loan aid continued at the same level as grant aid.

c Loans

Projects under this section are financed by three different loans. A local consumption loan for the Administration Building and the Road Programme, Caribbean Development Bank loan for the Port and British aid loans for Education and other small projects. Drawbacks were made on most of these already.

Five Year Capital Programme

Government is now nearing the end of the five year capital development programme planned in 1969 to cover the period 1970 to 1975. It is gratifying to state that the programme went very well. Legislative Assembly and Court Buildings, Police Quarters and Civil Administration Building and Broadcasting Station were all completed. The School programme went as planned, and Medical and Health was completed to a great extent, as was the Port and Roads. In fact all the items in the programme have been either completed or under implementation except water and sewerage. The study on water and sewerage has just been completed and Government is examining the recommendations. In any case the area that was of concern was water for the North West Point and this is now being provided by a private company. Although the capital programme may not have been completed, at least we have finished phase one which provided a freight shed and water tank, and concluded all the studies for phase two which will provide for a new terminal building and parking areas.

We must now work to prepare another five years programme and we hope it will be as successful as this one. The United Nations Economist has been requested to formulate an economic plan in conjunction with the Development Plan. The exercise should produce a list of possible projects and priorities together with the cost of each project

HON. V.B. JOHNSON (CDP'T): ...and their overall effect on the economy. Government will then be in a position to balance its requirements in terms of priority and to phase these requirements so as not to place undue strain on the limited resources such as finance, materials and labour. The economic plan for the next five years will be presented to Honourable Members when it is completed.

The Civil Service

The cost of living index indicated no rise in living cost over the first six months of 1975, and it was not until the second half that a rise was recorded, so no salary adjustments are recommended in 1976. At the present time salaries average 51 percent of total recurrent expenditure excluding pension and gratuity. While there may be no real objection to this since labour at the present day price is the biggest portion of cost of any job or project, it is nevertheless time that the civil service be examined. I feel that the number of staff has expanded the level required to operate a service of this size. It is possible that early in the new year the British Government will assist in conducting such a survey.

Conclusion

2 through 1975 has been the worst year economically since the depression of the late 1920s and early 1930s, as in the Cayman Islands are not as much as the mainland and so we have much for which to be thankful. The exchange of one set of evils for another - inflation and recession - has taught us a few valuable points. I would think that the most effective method of reducing our vulnerability in the Cayman Islands is cooperation between traders and consumers. Any attempt by Government to impose limitation on prices or to institute control measures such as those employed in many developed countries would only aggravate the situation and stagnate development. The recession on the other hand reminded us that all good periods must come to an end and therefore we must not be extravagant and wasteful in time of plenty but prepare for the rainy days ahead. Another point realised is that the efficiency of top management in business must at all times be an important aspect of its operation.

Mr. President and Honourable Members, growing confidence in the future of the Cayman Islands continues in spite of the difficult period through which we are now passing. The coming years will be interesting. It will again be a time for plotting the course, over the next four years. The task of ensuring continued stability and a realistic Government lies with this Legislative Assembly. Although I am in no way disturbed over the question of future prosperity of these Islands, or over the attitude of any new members who will sit in the Chamber of this Honourable House. I, nevertheless hope that there will be no significant change in the economic development policy of this Government which will adversely affect the economy of the Territory. Growth and development came to these Islands years ago and the Government accepted with courage and confidence the responsibilities and challenge they brought. The progress which has been made in the last few years is therefore no accident.

I would like Mr. President, to thank Honourable Members for their support and assistance in dealing with matters in Finance Committee and this Legislative Assembly. The attitude of cooperation and genuine interest in the welfare of Government and the Islands was impressive and is encouraged as a great asset.

Mr. President, I recommend the Appropriation Bill 1975 seeking authority to provide an expenditure of $14,085,734 for the financial year 1976.

seconded by Hon. D.F. Walker

MR. PRESIDENT: I think we might take a motion for the adjournment at the dinner to allow members time to consider this important matters.

MOVED BY HON. V.C. JOHNSON..
SECONDED BY HON. D.V. WATTERS ..
QUESTION PUT: AGREED, ACCORDINGLY ADJOURNED SINE DIE UNTIL TUESDAY, 18th NOVEMBER, 1975.

MR. PRESIDENT: Private and Government Bills.

THE CUSTOMS (AMENDMENT) BILL, 1975

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1975 FIRST READING

MOVED BY HON. V.C. JOHNSON
SECONDED BY HON. D.V. WATTERS

QUESTION PUT:

MR. G. CECIL ROBERTS: Mr. President, I oppose the introduction of this Bill. The reason for opposing the introduction of this Bill is that the Bill cannot do what it is intended to do. The revenue collected under this Bill falls into two parts, however, both would happen to be the worst bit part of our economy. And therefore if we increase the import duties as set out in this Bill we would further deflate those businesses, and the result would be that in 1976 we would have a far greater shortfall in revenue than we have this year.

I will deal with the increasing of import duties on mechanically propelled vehicles first.

MR. PRESIDENT: I must draw the attention of the Honourable Member, to fact that he may only be entitled to make a brief explanatory statement on the reasons for objecting to First Reading.

MR. G. CECIL ROBERTS: Okay Mr. President, I'll just take it in brief two sentences then. First of all commercial vehicle trade cannot stand an increase in duties as there will be a further fall in importation. because of the increased prices. Secondly, the other items that would be hit by the removal of the preferential duty now enjoyed are items which are used primarily in the construction business and the tourist business: and we cannot have increased prices in these areas. I thank you Mr. President. I'm letting it be put in my opposition, and if this bill comes before the House I will deal with it in details.

QUESTION PUT: TO PROCEED NOW TO FIRST AND SECOND READINGS. AYES 9 NOES - None

CLERK: THE CUSTOMS (AMENDMENT) BILL, 1975 SECOND READING.

HON. V.C. JOHNSON: Mr. President and Honourable Members, the Memorandum of Objects and Reasons. There are two significant amendments to the Bill, one is dealing with the removal of preferential tariff from the Seychelles, and as was explained in the Budget Address this was to commence with the Caycon Islands becoming an associate member of the European Economic Community.

Mr. President and Honourable Members this Government a short while ago was given the choice of becoming an associate member of the EEC or where there appeared to be little or no alternative according to communications from the British Government. Nevertheless, if there were any strong objections on the part of this Government to become such an associate member then we could certainly have put forward the case. At that particular time there was no indication of any adverse pressures that would be influenced by such an association, and therefore this Government agreed as to that way, to become an associate member of the EEC.

Hon. V.G. Meyer (Minister): We have just been approached by them to say that in accordance with their Treaty negotiations there should be preferential treatment within the Common Territories, and if there was a preferential arrangement where the United Kingdom was concerned then this Government would need to make an adjustment on those preferential tariffs within the Customs Tax.'

An exercise was carried out to determine what the eventual effect would have been especially on, moreover goods and building material. And the result indicated that there would be little or no effect at all. There were a few items that would have been affected such as butter and polyunsaturated margarine. And when a detailed investigation was made on these, it was discovered that the bulk of these items came from areas outside of Commonwealth countries were preferential tariff applied, and therefore the effect from would almost be nil. There was a few small imports coming from United Kingdom, quite true, but in all these tariff adjustments there has got to be adjustments one way or the other, but overall cannot always be a nil result, there will be increases - decreases, but Mr. President and honourable Members I'm sure you appreciate that the results of it is not all that damaging to the public.

The other amendment of course is to increase the rate of duty on motor vehicles from the present rate of 33⅓%. Again, it was a matter of examining the various avenues of taxation and to decide which would be the most acceptable as far as the general public was concerned, and as I've said before on account of the public like taxation, anything that everybody would prefer not hearing about. For some time now there has not been taxation in order for the Government to continue its function properly, and so in this exercise a number of measures were selected which were considered to have the least effect on the general public. I know that we all use motor cars, and as Honourable Members to travel in the Cayman Islands, we have a flat country to travel on, we're now being provided with good roads, we travel at our leisure in a shortish period of time. If we're successful in other countries it would be seen that import duty and motor car taxes in some of fifty, seventy eighty percent. Here in the Cayman Islands the duty has never increased beyond twenty percent. And it was thought that - this particular time when the Government was in dire need of raising a bit of additional revenue that this was perhaps one of the areas which could be tapped, and a bit of revenue could be had from an increase in the importation of motor cars.

Now the increase of import duty does not necessarily mean certainly are going to affect the importation of motor cars. I am quite certain of that, because anyone who wants a brand new car will buy it, even if it costs a little more. The motor car dealers intimated to me from new vehicles now and several times that they would be putting the importation over the next year or two. But this is purely on the basis of volume of business, this had nothing to do with cost as anything else. And so even the next year or two one would normally expect to see a reduction in the number of cars and other vehicles being imported in the Islands. So an increase in the import duty is certainly not going to affect it in this manner - it's already affected.

Those are the two amendments Mr. President and Honourable Members, otherwise like a short law, and I would ask members to really give it their due consideration. The Budget deserves a great deal on whether Members will accept these recommendations, if they're not accepted, the Budget will have to be re-drawn and expenditures will have to be trimmed. We don't have fat anymore. It will place the Government in a fairly embarrassing position to be in, although it's not an impossibility. But I would ask Members to give it every consideration, not to adopt the attitude of objecting to these proposals. New measures are inevitable, every year they come forward it is sometimes hard the Government real-ized on, something that might pay Peggy, and I would ask Members to accept it-that manner, and to support the Customs Amendment Law which is now in its second reading. Thank you.

Seconded by Hon. D.O. Wilks

QUESTION : [illegible] MOTOR CAR IMPORTS.

MR. [illegible]. Mr. President, I am against increased taxation in a recession year, because it is bad economics. It is logical in prosperity. There is also people's ease of mind if possible. In some particular case we would be the exception to make the rule valid. If there is to be any increase in taxation it should come in areas that would not affect the little man on the street. It should not come to essential items. In the Cayman Islands [illegible] our car is a necessity, I would rather skip one meal per day than [illegible] my car. If a carpenter lives in North Side and has a worker's job in East End, it would be impossible for him to earn one penny working on time, without his car. Now it is all right for us to talk about what is happening in England and Jamaica or Cuba, but we have to remember that this island is devoid of gas or kerosene. Sure the price of gas is high in England, but a person living in England can well go without a motor car, so far as I know England has one of the best public transport systems in the world, subways and buses and trains. In the Cayman Islands we have no such thing, a person is dependent on his car in order to go to his shops or on the other things which are necessary for living. So a motor car is an essential commodity as necessary as food, clothing, shelter.

If it became necessary to increase the import duties on motor vehicles, it should be done in a manner that wouldn't hurt so much, we could have gone from 20% to 25% and that would have been sufficient. But no, we must slap 37½% an increase that is more than half of what the duties were originally. We have up in one hop from 20% to 47½%. By increasing the duties on automobiles I feel that the Government is defeating the purpose. We will not get increased revenue next year from motor vehicles if we increase the duties now. We will take in far less revenue. I have in my possession some current figures showing the sale of motor vehicles in this island, and I am sure when Government becomes cognisant of these figures they will immediately ask for a withdrawal of this Bill.

During 1973 Government's importation of motor vehicles during the first two months of 1974 are below their importation for the first two months of 1974. And if this is not sufficient I will say that the downward trend continues, to the present time in 1974 so that not only were the first two months below last year's figures, but two succeeding months are also below. We must look at an overall picture of the motor car, and when I say motor I'm speaking of motor vehicles generally in this island. Shown here are startling figures. One big importer was in 1973 imported one hundred and thirty nine vehicles only reported two hundred and three in 1974, this represents seventy four percent of '73's business. And this year 1975 they only imported twenty one units, which is fifty three percent of the previous year's business. So we have a decline of one half, in other words where this dealer would import cars per month in 1973 they're now selling only six. This same dealer who paid a quarter of a million dollars in import duties on motor vehicles in 1974 has paid on [illegible] thousand dollars less this year. Can you see if the prices of these cars have to go up so much [illegible] this dealer will pay in 1975. This particular dealer's sales down by fifty percent.

[illegible] I'm not going to give all the figures I have, but I want to give you the figures on three more because this is very significant, and it is my belief that Government was not aware of the true situation in the motor vehicle industry when they imposed this tax. This is another dealer in 1973 imported one hundred and nine vehicles, 1974 down to a hundred, not so bad. But in 1975 he's down to seventy two. So about eighty ten percent down over last year. [illegible] how it is truely amazing how the third person can keep in business. In 1973 this outfit imported two hundred and seventy five cars and other vehicles an average of 18.42 per month. In 1974 the figures had dropped to total importation of eight one, a decline of 65%, an average of 6.75 vehicles per month. And up to the first

Mr. G. Haig Hodges (Clerk)[illegible] October, 1975 there had only imported fifty seven white [illegible] average of [illegible] per month, down to 40%. The gross profit on the average car is probably in the vicinity of eight hundred to one thousand dollars. For you see when a person sells four cars per month that total profit they would make, this is gross profit out of which would have to come down below taxes for licensing the cars, the showrooms and what not. It is remarkable how many people are able to keep in business.

[illegible] by the last dealer imported twenty cars this year and didn't sell a single one with the exception of ten cars that have gone into the car rental business. So the business is bad. If we increase the prices it must get worse. Now if we want more revenue on motor vehicles we have all is virtually an untapped area, and that is the area of court fines, and here again I would like to refer you to some Government statistics. In 1973 we collected twenty thousand two hundred and eighty one dollars in court fines. From nine hundred and eighty two traffic offences, an average of twenty dollars and sixty one cents per offence. In 1974 they collected twenty thousand eight hundred and forty one dollars, from two thousand four hundred and sixty four offences, an average of only eight dollars and fifty three cents per offence. This means that we have collected in proportion to offences not even a half of the revenue we had in the previous year. And here I consider is some scope for Government to increase the total revenue from court fines for motor vehicles. And I think very much Executive Council has come forward with increases on all the licences collected from motor vehicles. This is as it should be. Executive Council does not have to come to the Legislative Assembly in order to increase taxes on motor vehicles. This is because the motor vehicle law says that the Governor in Council can make regulations concerning fees. So Elected Members in the House have nothing at all to do with these amendments increases which is being put forward. In many cases this increase is a hundred percent, in some cases it is far more than a hundred percent.

In the case of private cars the increases from which have already been made on 6th 14th of October are which will come into effect on the 1st day of January, up by one hundred percent, from twenty four dollars to forty eight. And it we go down the list we will see that in some cases the increase is even more, for example drivers licence up from one dollar to five dollars, that's increased five hundred percent. Leaving test up from two dollars to five dollars, quite an exorbitant increase in any sound. Now this is one of the major financial curiosity on this island you can do without a certain food items because you can make a substitute, but tell me what substitute is there for the automobile in the Cayman Islands if every automobile was suddenly taken out of operation, we might be the envy of all on an environmental basis but all economic growth would come to a halt because tomorrow morning there would be nobody at work in their glass cage, there would be nobody to serve you in the supermarkets, there would be policemen on being your finger from the boat, and I could go on and on forever. Life on this planet as we know it, would [illegible] for the people of the Cayman Islands. We know that in some of the Caribbean Islands they charge and they get exorbitant duties, as luck they do it in England, motion taxes and taxes on gasoline. But they're not dependent on the private motor car, as we are, and this will have to be examined again, not only the increase of the importation over which I will have a chance to vote, but the matter of the fees which have been increased by Executive Council, and over which I have no vote, but this will certainly have to be examined again, with the registration numbers, and revoked if possible. And the Bill before us is an amended or withdrawn. Here we have a far reaching industry and Government has stepped forward boldly to give it a push into the decline helping to eradicate the very recession which they purport to stop.

Mr. S. Irvine-Robson (Corby): On the second portion of this Bill, they are complying with the European Economic Community of which we are a member, in doing away with protectional tariff. There were two ways we could have done this, one was to put a special duty on these items. Remember that in the European Community they are not concerned with the duty on a particular item, they are concerned with the tariff against a particular place. So in order to do away with the preferential tariffs which existed in our Customs Law we need not let essential items again enter by increasing the tariff.

The items which will be affected in the Customs Law falls into what I would like to call three groups of commodities. In one group I would put foods, butter, tea, tea concentrate, unroasted coffee and cocoa essence to it I would add perfumery rather than put it in a reference class. Now it is a fact that all the butter ninety percent or more coming into this island is coming from Commonwealth countries, Canada, Australia, New Zealand. Duties in the old Customs Law gave the tariff .5% when it came from those countries. If it came from some exotic place like Timbuctoo you paid 25%. The plain fact was that nearly all of the butter coming into this island was paid for at the rate of 15%. This will be increased to 20% because we're taking out the Commonwealth preferential tariffs. Tea and tea concentrate were 10% from Commonwealth countries and 15% from foreign countries. Now all of this will change and the price of tea and tea concentrate with the duties will go up because we put up the duties. Another big item created where, from Commonwealth countries was coming in at the rate of 10%. These values will go up to 20% tariff because we have removed the preferential status that existed. Also the butter the tea and the tea concentrate were here from Commonwealth countries. Tea - most of it is imported from England, but that has been processed in England which grew in other Commonwealth countries, we get a certain amount of tea, as I would say the world's greatest producers of tea are Commonwealth countries with the possible exception of Red China.

The third item affected is cocoa essences. Here again we get a large amount of the cocoa essences from Jamaica, and Trinidad. In fact the two most popular drinks are the Schweppes and Beerose and Indian drink which come from Commonwealth countries. Now I'm well aware that some cocoa essences come from the United States, and I'm aware that a little bit comes from some foreign countries, and I'm aware that a pound or two of butter comes from foreign countries, but the bulk of these three food items come from Commonwealth countries. We here by the stroke of a pen today automatically increasing the cost of these items.

Now I mentioned I would put perfumery along with the first group, and the reason for it will move to clear to you. The word 'perfumery' probably has no definition in the dictionary. I don't know what meaning is given to it in the Customs Law, but I understand the world 'perfumery' to cover everything that smells sweet with the exception of the oils of perfume. In other words every toilet soap, and cologne, probably after shave lotion or whatever it is would come under perfumery. In other words only the real expensive perfume like the Lady Dunbar's favourite, Bois Gardens and Chanel No.5 they would be perfumes, and they would today receive the free ration that was given to them to help the tourist trade. Now a large amount of perfumery is bought by the tourist trade, in fact not everyone is interested in the expensive perfumes. In fact it's not always advantageous to buy in Commonwealth which the people may be able to buy for cheaper in the lands of their nationality. The reason for putting perfumery under butter, tea and aerated water is that all four of these items are staple items in the household trade.

Mr. H. Ross Perot (cont'd): I never eat butter because of the high cholesterol content. I never drink tea because coffee is better. I never use artificial sugar because it kills the taste of the whisky. But every tourist that comes to these islands use these commodities, they consume most of the aerated waters imported. They drink plenty at the bar, they eat plenty of the butter and they use very much of the perfumery. What I'm trying to do, Mr. President, is to say that today we are stalking a blow at the tourist trade, by the manner in which we are removing the preferential tariff from the Customs Law.

The second category of commodities affected by the amendment which we are making to this law today would cover items such as ale, beer other malt liquors, cider, perry, spirits including ethyl alcohol/alcoholic, gin, beer, wines, cigarettes and pipe tobacco. Instead of enumerating these items one by one I could have said tourist, tourist, tourist, tourist, tourist, tourist, and the way about, because these are tourist items, and there's no mistaking the fact that we are very again increasing the import duties on these items you will see another raise in the prices at the hotels. If you want to know how much of these items will be affected by the removal of the preferential tariff, one rough estimate would be $30 on all. The next figure is trading run - 30% on all the hard liquors. The most popular brands sold in this island, whisky, rum, gin, are all Commonwealth products. So far as smoking goes I can only say that in recent years there has been an increase in the acceptance of Commonwealth products. So when we look back and by the scale of our mighty pen increased the import duties on these commodities we are killing the very tourist business that we are trying to stimulate.

The third group of commodities affected under this commission will be that group which is construction material. This is the group that hurts most, because if ever any section of our business is down it needs vendor stimulation, needed incentive for growth it would be the construction business. Two items are especially mentioned in the customs law, namely galvanized corrugated iron sheets, Mr. I know I'm going to be told that today the bulk of our cement and the bulk of our corrugated roofing is coming from Trinidad, and we are not subject to preferential tariff. Please do not tell me that. I know it, I know how much corrugated roofing comes from Belgium. I know how much cement comes from Columbus, but these items do come and have come and will come into Government to themselves. The United Kingdom, Canada other countries produce roofing which is used in these islands. If we take away the preferential status from these items, it can only mean an increase in the cost of construction.

I am sympathetic with the needs of Bermuda and having to increase the revenue, but I feel it should not be done on whatever items. It should not be done on motor cars and all the other items I just mentioned. It should not be done to industries as such as tourism. Every time we spend a couple of thousand dollars to send people on a promotional trip for the tourist industry we give them a scrap that sends the tourist away, and they're getting many steps in this Budget, this is only the first one I'm dealing with. Every time the construction business starts to pick up there is some increased cost, and there're those of increased costs in this Budget, not only in this particular law, we'll be seeing that year after.

Government has made a mistake in putting forward this Bill a mistake which I believe is because they didn't have available to them some of the information from the private sector. But after all what is Government, is it just negotiating you sway in a glass room, or is it something that lives in the world of people. Isn't it something that knows what we go up to around it. Now, Mr. President, I feel that we will be damaging the Budget by going ahead, there is the other hand today's agenda, and Bermudians themselves will want to stick on this Bill, so I will not continue any longer. But I would like to say that increasing the cost of anything doesn't guarantee that increased revenue, you may find that by increasing the import duties that in fact the Government will incident the loss of revenue

MR. G. ERIC BOWEN (Chairman): [illegible] than it did during this year.

MR. [illegible]: I shall suspend proceedings for lunch until 1.30 this afternoon.

AT THIS P.M. THE [illegible] ARE ADJOURNED

HOUSE RESUMED AT 2:30 P.M.

MR. SPEAKER: Please be seated. Proceedings are resumed. Before I call on any other speakers, I'd like to caution that this afternoon at 5 o'clock the new Administrative Building opening, and I think it is the intention of the Honourable Chief Secretary to move the adjournment at about half past four tonight. If - it would likely we don't get through all the business on today's Order Paper, the remaining bills will be put down for Tuesday before we go into the debate on the Second Reading of the Appropriation Bill.

Well, we will continue the proceedings, and the motion on the Second Reading of the Customs Amendment Bill is open for debate.

Mr. President, Honourable Members.

MR. TABONE BILL: Whilst hearing prayers this morning we were reminded to have a mind of our own, and also deliberations - the guidance of a supreme being. While listening to the Chief Official Member who gave a good reason in the introduction of this Bill - Customs (Amendment) Law. It is quite true that no matter stand taxation, no one in the public enjoys taxation. The only thing that bothers me is we do not account more on any proposed vehicles in these islands. No mention was made in the Memorandum of Objects and Reasons that the Cayman Islands has become an associate member of the European Economic Community. It remains also necessary to amend the Customs Tariff Rate in order to be every with the Preferential Rate of duty, and to comply with the Islands obligations under the treaty. It is a fact that we want roads and good roads, and this is one of the things that funds could be raised by so doing - raising an amendment to the Customs Law to obtain the money that is required. The statistics given in regards to the importation of motor vehicles by the Member who spoke first was only dealing on one side of the story, I would say - we are confronted with world wide recession, but on the other hand he did not mention how many were sold and what profit were they sold.

I do here seek for an amendment of the Customs Law, and by raising the load to a certain extent I remain one where any one importing motor cars can be bothered very much with this amendment. I do not quite or disagree what is being said in fact elaboration of the amendment, as I personally feel that instead of getting thirty-three and a third, at least twenty five per cent could be asked for and everybody would be quite happy. Not seeing that the Cayman Islands has become an associate member of the European Economic Community, is because necessary for this amendment on its Tariff. Since I cannot bee stand with the Bill, nor with both Mr. President, I will get my views up view with the hope that members also will pick up from where I left off, but I stand to support this Bill in its entirety, but if twenty-five per cent was asked for I could fully agree with twenty-five per cent on the customs amendment. That's all Sir.

MR. HUARLOCK EBANKS: Mr. President and Honourable Members, I would have been happier than turning after the Financial Secretary had completed the reading of his speech, if the House had been adjourned to become tomorrow starting out with the reply to his speech, because the little that I may say on this motion I will undoubtedly refer to it in detail even then in the week when I will make my small contribution in replying to the Financial Speech. To those of us that were familiar with the scriptures we know where we had an outstanding figure once asked the Lord to let the sun stand still for a little while, if he was to have granted us that privilege on this occasion it probably would be standing still for a few days.

MR. CRAWFORD KILPATRICK (CONT'D.): It appears like Government could have found some other measure of attempting to stop the importation of cars rather/this one, and I guess that is the next step since practically the whole of George Town area, is painted with a yellow stripe or streaks all around it - "No parking" - since there is almost no parking space - that it is getting to where we won't need cars any more. It has well been said that man got accustomed to taxes - I think I have said in this House more than once that I am happy and agreeable to go along with reasonable taxation when it becomes necessary, but I cannot see at this stage why the one major thing has to be in the traffic sector. As one speaker said we have no public transport, and the livelihood of many people in this country depends on their cars to get them back and forth. The few individuals that may be using it for a luxury - well if they are using it for a luxury - wait tax them.

If only the thirty-three and a third per cent was being proposed as duties - or we duties was to remain there it may not be so bad, but we have been the victim over many years when Government imposed duties on tariffs plus the cost, and we do know that when taxes go into effect very seldom never removed or cancel up - it always get harder. Then we can be assured that in the very near future the ship owners will be adding an increase to their freight rates so that will raise the values of the duties higher still - then they are proposing an increase in taxes, .. inspection, licensing and what not. Everything surrounds the motor vehicle owner, and there is always, Mr. Presidents - what ever taxation is brought and given into effect the Eastern Districts particularly seem to suffer more from the effects of this than any other parts of the Island. I could draw your attention - garbage taxes were recently increased - for two consecutive weeks garbage has been lying in the front of my house and no collection made.

People that are working/there - whether it be for Government or the private sector - that have to travel from East End and North Side their cost of gas and oil and tires, and wear and tear on vehicles is three times that of the surrounding neighborhood - yet we are called upon to pay the same proportion - the same amount - I am not trying to break it down that we should pay less, but we should get services for what we pay for. Who would expect these proposed rates to go into effect, and the vehicle owners not increase their fares, particularly the taxis, the truckers - then you will hear another squawking from - certain sectors - the public - business people - we got to pay this, we got to pay that - you've increased your rates - then it all comes back - the poor pays for it again.

The Financial Secretary gave some good reasons for asking for this increase, and I would like to go along with them, but Mr. President I am making these remarks in brief, because I intend to go all the way in another few days, but I will leave this at least for thought - that when Government with all the hundreds of thousands that they have already spent on the roads between, George Town and North Side - when they have completed a good motorable road to reduce maintenance cost, - and take some control of Motor Insurance then I will support some Bill brought to this House, but not before. It it was for one-cent, or one cent penny - I read in the Miami Herald a few days ago where Colombia, Bogata still got gas at thirteen cents a gallon, and because Government imposed one cent - the whole country went on a strike against a one cent, and it is getting time for somebody to do something about such drastic proportions proposed like this. Mr. President, I wouldn't have any more to say at this time, because I've said I intend to go all the way in another few days, and/I will left off here I will take up again, but/I've said until we get proper roads with all the money that have already been wasted I don't intend to give any support, or approval to any motion asking for taxation - to talk about building better roads - we should have had them long ago. I

MR. CHAIRMAN PRO TEM: (cont'd.): Thank you, Mr. President for this opportunity of saying this until the next time.

MISS ANNIE H. SOMERS: Mr. President and Members of this House, I think December, 1974 that we had to have statistics, because you cannot spend what you have not got unless you go in debt, or find other means of raising more money.

I am on the Fiscal Committee, and I suppose that looking the situation I agree/[illegible] taxation, but taxation is no longer an issue I think a defunct Government. I would say Mr. President, that were the Heads of Departments more diligent in their spending, we wouldn't have this tremendous deficit. Now Mr. President, as I understand it from street talk there are thousands of dollars out and owing by business concerns, hoteliers etcetera for customs duty, and if that amount was collected I am informed we would not have any deficit in our budget. Now that has to be due to lack of proper supervision, proper control and had I known that when I was in the Fiscal Committee and agreed to some taxation, I certainly would have said collect outstanding amounts which are due and then there will be no need for taxation.

Now, Mr. President, unfortunately it is this way - that the poor people we will have always and they are the sufferers. If I import one dollar's worth of merchandise or a thousand I must find the money to pay that customs duty, or my stuff remains where it is. Now I do not think any concession should be granted to any body, Civil Servants, Members of Legislative Assembly, Merchants, Hoteliers or none them. I feel that we should share the same fate, and unfortunately that is not the case. I feel today, Mr. President, that we as Legislators, Civil Servants or most of us who feel that we are in the higher bracket of living should not use our positions to get what we want. And this is what is being done unfortunately. Now I had three motor cars in my life, I can't learn to drive, but I pride myself - it takes a smart woman to save enough money to buy three speaking six motor cars - the last one cost me six thousand dollars, and I never had to go to Barclays Bank to borrow a penny - I had worked and saved that money, and I promised myself I'm quit my three motor cars, and if I live another thirty-seven years I don't intend to buy another one. But I feel that a motor car now is a must - it is a necessity - plenty people might not even have shoes on their feet, but it is very imperative that they get a motor car to drive to and from their work, and while I agree I said I am partly responsible for this taxation, because I know Government must function, but had I known as I said that this vast amount of money is due and owing to our Government I would never have agreed to it, but I am guilty to compromise. I am going to say that I will agree for twenty-five per cent on motor cars.

Now these other regulations here I had nothing to do with them that I am aware of - I agree that we need money - we need it badly - and unfortunately Sir, services will have to be curtailed - we have too many people in too many offices doing nothing, and I repeat that - we have too many people in too many offices doing nothing and it is time now that we as the representatives of the people wake up to the fact that Government, like every one must cut his garment according to the cloth they have in their possession. Every new day almost we hear of certain offices being created, and of course not a word is spoken for three whole days, except may be Acadia Soldier, and I can't afford it because I pay much longer myself, and I feel that we have too many people in certain offices, commencing Sir, with your office - we have too many people who could be scattered around and increase money elsewhere, and who have too much time to do the little work they were called upon to do. Now I acknowledge that when necessity arises we must

MISS ROSIE E. DOUGLAS (Opposition): get people to do a job, but on the other hand why kill, tax psyche money just for purchase two many trips from officers of this Government and employees - too many trips we have to pay for, and I don't see any return - I don't mind when any officer goes on a training course or to any conference or anything - they come back with any benefit to the Assembly - I have never seen but from a limited few, and I feel that while I am saying that I agree to some taxation on these motor cars, because we have to get money some where, I am saying I am not in the face of what I have heard and learnt since I was on that Finance Committee, I will not agree to thirty-three and a third per cent. Mr. President, I feel that it is time that we on this other side as we are termed have some say in what is going on. We cannot and will not allow the finances of this Government to be run in that thing you call a H E and INO Office. That is going to happen if we leave people alone who have no value for money and who just spend because they think they can spend it.

Now certain offices in this Government Sir, that small staff they have been curtailed, and offices which I think in my opinion I could be wrong do not need so many staff, they are multiplied daily. Now I repeat Sir, I suppose I might be losing my seat in this Assembly when I say that/we need to cope with this present situation, but I speak my conscience I have been told I won't come back in the Assembly because I have on occasions spoken against some people who were doing wrong, and trying to deprive the Government of land which they rightly owned - you can't get a vote from me - well I said I would not steal land for my mother and sisters much less anybody else, and I will not do anything wrong that I know of - I repeat I want this good stable Government to go on - I know it needs money to operate, and not one soul in this Island today would be in favour of taxation, but if we need money we have to get it - we don't want to say that this Government has gone to sleep, because the Legislature were so ignorant that they didn't see the need raising extra money. I saw the need to have extra money but more than all I saw the need to cut down expenditure. So Mr. President, I am going to support this Bill up to say twenty-five per cent import duty on motor cars. I will not agree to, thirty-three and a third per cent, because as I said if the Government was diligent - brought people before Grand Court or Petty Court whatever it would be to collect all this outstanding money which is due and owing, and which in street talk - we wouldn't have anymore to have this extra taxation added on us. I will agree to twenty-five per cent increase on motor vehicles.

I don't say that the roads are the worst in Barbados - I am opposing this road that I see up at Red Bay that is a waste of public funds, but I am saying we have to get money to finish this Belmont Road in George Town because it was a grave mistake to put the back road there at School House Road - leave that like it - you can fly on it if you used to in a motor car - as the main city of George Town we have the most awful roads we have had in a long time. So I want to see roads Finished - I want to see other improvements kept going, and while as I said-I might be giving up the pleasure of my life today, because being in the Assembly to me is a pleasure, but a service which I dearly love, when I say I will agree to twenty-five per cent increased duty on motors cars. Thank you.

MR. JOE CHENERY: Mr. President I rise to speak on the motion before me - the amendment to the Customs Law - a lot has been said already and I am sure a great deal more will be said. But let me first make this statement Mr. President, I feel that Government - the Member said deserve what they have. I remember few years ago when Government was in a huddle to try to set out their priorities - those were so many things that needed to be done that it was hard to determine which was more important.

MR. JOHN JEFFERSON (CONTD.): Mr. President, these past five years we have seen tremendous amount of services provided for the people of these Islands. Mr. President, we had a tremendous influx of money in this country - our standards of living have risen - our medical standard - our educational standard - our every other standard that I know of has been tremendously improved. It goes without saying that we cannot have really things without paying for it, and certainly we remember years ago when we (and I am not speaking on the budget) came here and sat in the Finance Committee, and sat here in the Legislative Assembly and debated the Financial Statement/we'd all lamented because there were so many things that we wanted done, there were so many things that we knew that the people wanted, and there was no few funds to do them.

Mr. President, I remember in so many instances regardless of what was the subject in public meetings the cry for roads, roads, roads were the cry of the people, and Mr. President, we have no other alternative but to be able to keep in touch with our people, and/to provide for them the amenities that we believe that they need. It is fine to stand there and say a lot of things, but we have to deal with reality. When I started to work I started to work for ten dollars a month - I wouldn't work for that pay day today. Some people may well say conditions were further in those days may be that is true, but my standard of living wasn't then what it is today. Mr. President/we've built and we are building roads, and it would be unfair to say that the roads in this Island are not the best that they have ever been. We have had some pain here in George Town and other districts and certainly I know the areas where roads are dug out - I think if my colleagues behind were to complain about roads in some of their areas - away from Bodden Town - I would have to say yes it is true, and may be tomorrow North Side there might be areas where roads are not the best in certain areas. Mr. President, what we deal with the roads and I am speaking from the general stand point, I believe roads here in George Town are worse than other districts. What I am saying is we must/realize, and how are we going to have roads unless we have dollars to pay for them.

I haven't heard any body here today debate the advantages of being a part of associated with the economic community or the European community - I haven't heard any body have yet touch on the advantages of that. I think personally that the advantages outweigh the price that we are talking about here today. Mr. President, I must be quite frank the Lady Member speaks of street talk - I believe you in two months ago I was approached by a number of people - they said we understand that the duty on the automobile is going to increase to forty per cent coming the next year - I said well I being a legislator you happen to know more about it than I do; I haven't seen any figures like that before me, but I'll tell what is happening in too many instances its too many civil servants opening their mouths a little bit too loud, and disclosing the things that ought to be kept secret, and too many people other than those being are told that they happen to know more about what is going on a lot of the time than we as legislators do. And I go back again to remember when the change of currency - Mum we had the change the other day in U.S. and Cayman dollars. Friday afternoon I could know by certain people that there was going to be a change, but - me being a legislator I wouldn't have a chance to know. Mr. President, if you expect that I am going to swallow those/pills with the heart of taste - that is not possible Sir. I don't deal with rumours - I try to enlighten my people, I try to be frank with them, I try to lead them but certainly there is no reason in the world why the people on the street should know that the duty on automobiles was going to be put up to forty per cent, and I being a legislator had not even any inkling of any such thing. Mr. President, I have no other alternative in my opinion as a representative and in my honest straight forward

MR. JOHN JOHNSON (Retail): representation I have no other alternative but to support an increase - I haven't seen any increases/that are out of proportion when we think of what we got in return. I will make this one point - I agree with my member behind/who said that the Chairman will not do what it spoke to do - the exchequer seeks to increase the duty on the amount of money from duty free establishments/I don't believe that it will - I believe that we are dealing with a very frivolous amount - but I believe that being a part/the economic community there are also certain responsibilities and obligations that we will have to shoulder, which I believe the returns outweigh - the sacrifices that we might be called upon to make.

When I look through the face Mr. President, that are charged there is no question in my mind that if we increase anything in this country by a dollar that people will not mind it - it's human nature, but our job is to help them to realise that what we are offering - this Government is providing/for what money has to come/some-where to pay that bill. So as far as I am concerned it is just that straight forward. I support the amendment in principle, and when it comes to the final item we will deal with it in more detail.

MR. JAMES NORRIS: Mr. President fellow Members, I will not be delivering my speech on the basis of going down through the centre of the middle/then I am through I am sure everyone will know which side I stand on.

Once more we are being forced to adjust to something else that someone tells us to do. It seems like we continue to follow the old song that tells us/fools rush in where angels fear to tread. We're not against Mr. President, the orderly functioning of Government - we would be stupid, but there is a lot of questions given to us that we have not yet explored. Every action that we take in this Chamber in regards to taxation seems to offset each and make the small wage earner. What we are attempting to do reminds me of a very popular song, I think is going around today, I think it was composed in the United States where the Minister was trying to get money out of his constituents, and he is trying to work them up to a fever pitch to get them to run - finally the congregation had had enough and they said forgeaboud let it crawl. I am not saying that we should let it crawl, but I am saying that we should let it walk that would a compromise measure that could be made.

Mr. President, I know we will get a lot of argument if I touch on the duty free system under which we operate for so many articles in this country. I know we will hear that it is a main-stay of the economy - I know we will hear it made a lot for the tourist business, and may be it does, but Mr. President, I submit to this House that the savings that are passed on to the actual buyer in the retail establishments who function in the duty free trade is very little, and in any country of the world today, except a few of the free port areas as they call themselves, you pay an expensive tax when it comes/enjoying luxury items, and I agree with that because if you want to wear an expensive watch you should have to pay for it, if you want to wear a diamond ring you should have to pay for it. In my mind this/is an avenue that we could touch on that would affect just a few people, instead of something like this that is going to have such reputably effect on the overall economy. One Member while up in his speech said that we were dealing with a frivolous amount, I submit to this House that time we increase because if we follow the speech which was so ably delivered this morning by the Third Official Member we will find that we are really talking about five hundred and thirteen/dollars of additional revenue, and that is not a small amount of money, so in my estimation I could not term it a frivolous item.

One objection I would make Mr. President, is in a recession year such as we are going through today

MR. JAMES BODDEN: that we should not be contemplating in this particular Bill of increasing taxes up to sixty per cent. Later on in some of the other bills that are being submitted to the House we will find that we will have increases as much as twelve hundred per cent. I think that these rates are too much, I think I would not be diligent in my service to the people if I stood here and agreed with it. We must understand one thing that when we increase taxes we also increase inflation, and every country in the world today is battling with inflation and every country in the world, and we are not exempt from these methods in order to keep going. We have heard it said by a previous speaker this morning in the House that the legislature had to decrease their stock - that has had or be increased because money was not available, Mr. President, for the people to buy the additional motor cars, and whether we like it or not motor cars are a necessity in the Cayman Islands. I will agree that in many cases they are used also as luxury items, but we have to think of the majority of the use because let us take for instance a man employed in the construction trade he needs his car very much in order to get to work. I could agree Mr. President, on us having something about this if it was done on a sliding scale based on the C.C. capacity of the car. In my estimation this would be an / way of solving the solution because the lower income bracket person could still import him car and pay twenty per cent tax on it because that is all he could afford to pay. The more affluent person who / could have a bigger car or a little bit more sporty one could pay twenty-seven per cent. The next different or the group who / could afford to drive in a big car and has the money to do so would then have to pay thirty/ and a third per cent, and so by track with you in that case I would also be willing to even see it increased to forty percent, but Mr. President, I cannot sit in my / by and agree that we should raise this on a blanket deal overall because the man who can afford to bring in a 1975 Rolls Royce would pay the thirty-three and third duty that a man bringing a Volkswagen would have to pay, I do not think that is quite fair sir! I think that we are put here in order to promote fairness to the people. Should we also adopt this system Mr. President, we may find that the roads would be more safe because the speed could be cut down. Another thing we would find that it would probably be a improvement in the prices work, and it would also mean less road repairs because the big automobiles naturally will tear up the roads much faster than a small car will.

Mrs Norbey made morning remarks with the car imports and we find that in 1975 statistics show that over 1973 one particular company has decreased its imports by thirty-seven per cent, another by fifty-three per cent, another by fifty-four per cent. Should this continue the reason to the brothers may be so small Mr. President, that I cannot understand how he can have remain in business, and when this happens we must think of the dire effects it would have on the country as a whole. The businessman has to close his place of business in most cases the businesses are heavily mortgaged he will then have to continue / and as the other to continue/that particular. The people that are employed by him who put money back into the country will no longer be employed, and right now I would suggest that every person who has a job in this country can consider himself a lucky man, or woman because the jobs are not here going begging like they were years ago. Another statistic that I think should be considered by this House before we consider raising the import duty to thirty-three and a third per cent would be this that in 1970 there were four thousand five hundred and forty eight cars, or automobiles that we say registered in the Cayman Islands, we come on down to 1973 and we four thousand one hundred and eighteen, or a decrease Mr. President of about twelve per cent, so I would agree / by raising the import duty thirty-three and a third per cent is going to work in an overall effect all that much money to the

MR. JAMES MORROW (contd.): Government. The other items which we are covering, and which apparently come under the Preferential Tariff under the U.K.C. I will only speak on a few of them - the few that affect the average man on the street - that would be barter, tea and tea-containers and the aerated waters. We are increasing the duty on these three items, and I believe that many of these items today do come from Commonwealth countries where we can enjoy the Preferential Tariff and it's a big issue that it would be double on increases it. This means that we are going forward here and back into an inflationary spiral. We take two other items cement and the galvanized iron sheets. Construction is the main stay of our economy. One home constructed in this Island and a person living in it is worth one hundred and fifty thousand at the present, and Mr. President, I know that we will easily hear an argument that most of the cement and that some of the iron that comes into this Island today come from countries outside of the Commonwealth. I will not argue that point, but if it were only five per cent of it that is coming in then it would mean that that five per cent should be a savings going down to some small wage earner who wishes to build a home. We cannot longer continue to increase taxes and increase them until the little man on the street is unable to breathe, and we must continue to think of the little man on the street when we're thinking of this is his automobile because as I explained a while ago it is an important part of his day-to-day existence.

. . .

May be a different discipline would have been given to this, Mr. President, if there had not been and does continue to be such a widening breach between the private sector and Government. I think it is about time that the two pull together - it is about time that the private sector knew something about the activities of Government, and Government knows something about the activities of the private sector, because I believe that if all of us statistics had been available / would have/given/this or five more other means in which to increase taxation to bring in the revenue today as balance this Budget. We spoke a while ago on the inflationary spiral. Mr. President, this will have widening effects. When you increase sharp focus on the automobile and the import duty it means that basic farms are going to be increased tremendously, and those of you who have the routine will tell you that the heaviest day there is no place in the world that has a higher cost here also than Grand Cayman. We going to affect the low income - they can only be have an increase their per day wage. Mr. President, if it only stopped there it would be good, but this/duty is have an over all effect / entire country, and I would submit to this House that a more / way to handle this now is to move this to a Select Committee of the whole House to consider changing this bill to where certain cars / twenty per cent and certain cars were increased to thirty-three and a third per cent that we are asking for, and I hope that some move towards that will be made before this actually strangle relief in existence. Thank you Sir.

HON. S. B. EBANKS: Mr. President and honourable Members, we know that there is always some opposition when-ever there is an increase in any fees whatever. I don't call it taxation because we really in/some are not people that use them. The controversy here today is about the increase in the importation duty of motor cars to thirty-three and a third per cent. Now it is an increase of fifteen and twice per cent over what it was, but don't we consider that/that the minimum duty on motor cars for long enough. I don't believe that in any other country in the world that the duty on motor cars is as low as what it is in the Cayman Islands. It can be said that this should have been increased long ago. Not to such an extent as probably what you have here now, but I think all Members present that there should have been some increase although not as

HON. A. D. ROSS (CONTD.): ...heavy from year to year. Well, the manufacturing has been made for five per cent increase. I wonder if Members would just stop and realise that it would be better to leave it where it is than to just have a five per cent increase. It wouldn't be worth going to all the trouble to change the law for a five per cent increase on motor cars. Much has been said about the necessity for a motor car. We all know that every one in this day and age likes his own motor car - likes to have his own motor car. Some like to have two and I know, as we heard the Lady Member of our Legislature said - she had three motor cars - what a standard of living a day is it we had the thirty-three and a third per cent before she would only have had one, and probably would have given much better care of it because it would have been worth more to her. However, because of the case and being able to have what's / motor car there is an absence of public transport. Public transport, I have often said, will pay owner pay in the Island as long as private transport is so easily had by - this is true because when one can buy his own motor car so easily he doesn't want to worry with public transport, and to my mind this is one of the reasons why public transport isn't to where we would like to see it today, because everyone/[illegible] of it - he is able / financially able to buy his own motor car, and therefore has no necessity for the public transport.

My talk about the little man and how it will affect the little man. I take it when they talk about the little man they mean the very poor man, but today we now have in our midst the little man as we call him in just as high position as far as motor cars are concerned as the very wealthy man. We know that it is much better to ride in a motor car than to walk, but why be it so / some pays we will pay more and feel a whole lot better. Needless to say, Mr. President and Members I support this. I think it is reasonable, and as I said it should have been by this figure long ago. We hear of the discouragement it will be to importers of motor cars, we have not yet quite seen from the motor car companies / the distributors of motor cars, but I don't believe that it is because of the duty that people haven't bought motor cars from the dealers here, I believe it is because they get better prices elsewhere less abroad. And I believe this is the reason why the dealers haven't sold as many motor cars as they have in the years gone by because people now have more money than they ever had up and purchase a car outright and get a far better price on it. So I don't believe that there has been any less cars imported but I don't know how you would build any more cars in the Island. I see the ships come in here loaded with motor cars, and I wonder sometimes where are they going to put them - anyway they've filled themselves around somehow or the other and are probably lost somewhere in the Island. It may be too that one of the reasons why there has not been any greater sales of motor cars, may be we have reached a saturation point, everybody that wanted a car has one. As I said some people invested in them, and when we look at it we can just count twelve thousand people and we got over four thousand motor cars so every family own cars in a motor car. What a great standard of living we have - this one of the things that a country is judged by as I understand it - by everyone having his own motor car.

We say that it is a bad time because it is a recession year, well we now implant that the recession is breaking up and there will be better times next year and as soon as we have it we all like the more reason why people should be prepared to pay a little bit more on what they are spending so that Government can keep on providing the services which are required for the operation of such things. Mr. Speaker - some Member said that he wouldn't be prepared to support any increase in anything of this sort until we have better roads, but at least Members cannot realise that we are at least preparing the way for better roads. I don't think it is

Hon. P. B. Byrne (Clontarf) - right he may, as I have heard some say that the roads are worse than they have ever been - this really isn't so - there are still some bad roads, but one thing should be taken into account that we have our own equipment with which to build the proper roads we need. Roads we build, let us say seven five years ago were considered good roads, today they just cannot take traffic. I know that the surface we have been putting on roads is alright as long as the weather is dry. But when we get that abundance of rain which we had recently, and this what I was hearing as the Member responsible for roads(as you know) responsible Members - I was hearing that the roads were going to break up it/any great abundance of rain and this is just what has happened. Reference has been made to certain roads being done that shouldn't have been done at this time, and believe that should have been done. Well may be if/was so I didn't know what I was talking about I would probably have said the same thing. We hear about the School House Road this was made really to give an incentive to motorists to take the traffic off of Central George Town - the motel traffic from the Airport. If you may call it this was a little piece of strategy which we tried to work and hoped that people would accept. If you haven't accepted it in which done in any bad faith - this is the strategy we tried to pull, but I want to assure Members and especially the lady Member of George Town who I know has complained/has repeatedly - why didn't we fix our roads before going here and there and fixing roads elsewhere else. At the time the road programme was started, George Town Roads were the best, and we they would stand a little longer than being fixed, but if the weather permits tomorrow you will see a continuation of the roads in George Town. I regret very much that I have to break all in Bodden Town, but this cannot be avoided. We had several weeks of breakdown with the plant - I think we have it working again, and it shouldn't be too long in the New Year before - all our roads - all the main roads are covered with hot mixed asphalt. The pot holes that you see around the town, I believe that you had better have a good look at them, because you are not going to see them again. I think then you will get tired of riding on that very smooth and lovely road that we are going to build for you, and will be glad then in while to drop down in a little hole to let you know that you are on the road instead of believing that you are in the sky.

Mr. Speaker and Honourable Members, Query that I have to go on the roads really. We talk about the increase in the duty on motor cars. One Member has suggested that it should be what he considers on a sliding scale, instead of an overall charge on all motor cars. I disagree with this. What is the purpose of this Bill. The purpose is to increase revenue, and every motor car whether he is a small one or big one we expect the same or what is my mind he should pay the same, because it is for the purpose of increasing the revenue. When we talk about the little motor car let me say this - if I had my way with that little motor car we wouldn't come into the Ireland at all, because that is the most disgusting car that I have ever come across on the road. It never stays behind anything. If you are going fifty miles per hour he is going seventy-five. I don't know whether it is the car or whether it is people driving it, but I do know this that I have never had one to stay behind me and I drive a big american car, and I drive a pick-up truck and I have never had one to stay behind. I came out of a corner the other day right around the area - on the corner of Shedden Road, and you know he couldn't even stay behind me to come out around that corner he came out double. I have never seen such a disgraceful thing as those little cars are on the road - to my mind they should have a special car for those aliens and it should be higher than the liquor ones. I think we should be grateful you know that/left all the accessories for motor cars untouched. There is no class in only it. that - they have been left alone

Let us go back again to the inexpensive motor car - the man who is driving it - he has bought that car for economy reasons and therefore he is not prepared to contribute very

HON. A. B. BUSH (cont'd.) such as the revenue of the Island. The man who buys the big expensive Cadillac that we've heard about - he is the man who is contributing the money to the Island. The one apart from the first cost of the car, the maintenance cost much more, tires and what not, and who really benefits if the small car pays less - it is the man who owns that car and Government provides the road for him to run on just the same, and they receive less from it. I don't think these are good arguments at all. I think one must realise that - as has been outlined by the Financial Secretary in his speech - money is needed for the various services. Government doesn't keep a coin that they can raise prices every day - they have to get money from somewhere, and this is considered the source from which money can be raised. I certainly agree with Members that it will not give us all the money we want, but it will contribute to it and help in the increase of the revenue.

And as Mr. President and Honourable Members, I hope when it comes to vote on this Bill, that those who have said that it is unjust - atrocious law and such remarks - will reconsider and give their support because it is not as an Act that is going to kill someone - it is something that is going to improve your road conditions and after all the average man spends much more on a weekend at probably one of the clubs than twenty-four extra dollars which you would give the Government to provide better roads, better accommodation for his motor car. So I do hope that those who are against us, as were against us at the beginning will change their attitude and realise that Government hasn't done this just because they want to put on a tax on motor cars but because this is one of the avenues which they can provide better services for the people who own them. Thank you.

HON. W. W. CONOLLY: Mr. President and Honourable Members, I rise to speak on the merits and de-merits of the Bill before us, that is the amendment to the Customs Law, and as I see it this amendment takes three different parts. First of all the first amendment takes the consequential amendment which has become necessary due to our acceptance of liaising with the United Kingdom the E.E.C. As some Members said we should truly measure and weigh the benefits to the disadvantages as we may receive. It is true to say that certain of our goods that are used in this Island and particularly I will speak about Whisky and Beer that are affected by this amendment - we know that a lot of our Whisky comes from United Kingdom and other Commonwealth countries, and definitely when the Preferential Tariff is removed it will increase the cost this is a fact. On the other hand what else could we do - could we stay out of our association with the E.E.C? I am sure my honourable colleagues certainly a question was raised by Members when this came up not too long ago whether we would create an association with the E.E.C. or whether we would opt out and the decision was that we would go along. Because there is the possibility of us getting certain financial aids through this scope of action, and as I said the Members stressed a lot about the tourist - this is no doubt probably the drink of Whisky might cost the tourist a little more than it did, but I am sure that even this little more does not in any way compare with the high cost of Scotch Whisky in other destinations. I believe I am right in saying that one can drink Scotch Whisky in Cayman more cheaply than in any place that I have been, and the increase of here again - by removing the preferential duty on this it means an increase of one dollar on a gallon on Whisky, which is minimal - on Beer locally quite on a gallon increase. Now the truth is that Beer should not increase to the consumer one cent but twenty cents on a gallon as duty. I don't see today where the seller can argue the point that the amount of Government removing this preferential consideration has increased his cost; he should not put an increase on the consumer, but be that as it may, as I said I believe

Hon. M. P. Eden (cont'd): this is a case where we will have to choose the lesser of the two evils - we will have to weigh our advantages against our disadvantages. and I believe that the raise of twenty cents on a gallon of beer as one dollar on a gallon of Whisky is the better in my opinion, and I think it would be better in the opinion of most people that we should follow this line, and receive our right to say and that may be forthcoming through our association with the U.K.C.

The second part of this Bill is this amendment - mainly correcting a typographical error and naturally that is preconsiderential. Then we come to the latter part of the amendment which deals with the increase of duty on Motor Cycles, Motor Cars and Pedal Cycles. Now if one would ask people what they would like rather an duties increased on which the answer would be nothing. If someone has asked me I would say nothing - I wouldn't want it increased if that were possible, and I am sure I am speaking for the majority of people. No one wants an increase of rates, an increase of tax an increase of duty whatever you may call it. But let us first of all consider our position in the Cayman Islands. In this Island which is an exceptional place compared to to most other places in the world where we have no income tax, no property tax, no capital gains taxes, no direct taxes whatever, and surely the Government has to function, surely the money has to come from places. Then the question comes up from where. We have years after years been increasing on cigarettes or liquors and small bits and pieces of this and that - and this is a continuing process down through the years, and naturally the time has come when one has to think/other avenues of revenue.

It may/appear that the motor car is an essential vehicle and no one can deny that. Motor cars today form a great part of the transportation of most people in these Islands. But it can also be successfully argued that in the last few years there has been quite a waste - quite a drain on the economy of this Island - quite a drain on the dollar and foreign exchange - in the motor car commerce. We have an answer to additional over four thousand automobiles in an Island with twelve thousand people - that means that every person in Grand Cayman can be seated at the same time, and this is spending and putting this country equivalent to developed countries. That is not the point that we should take into consideration - we should also consider that the possession of motor cars in this Island has been instrumental by the public - certain members of the public - that has created a lot of problems - I am not saying that a person who can afford or buy a car - like the Honourable Dean Gunner Tibbetts - that they shouldn't buy a car, but we know ourselves that a lot of cars that have been purchased in this Island have been purchased at great disadvantage or sacrifice to other benefits. The same people in this Island who compel the Government to provide free transportation for the children to go to Secondary Schools - compelling the Government to provide that transportation - I am often seen with four vehicles in their yard. This is a situation we have in Grand Cayman, and I am saying that if we expect a Government to provide certain amenities for us - all like free Secondary Education including transportation - something that is not found in many other countries. If we request the Government to have good roads, docking facilities, airport facilities, office buildings, then money we have to be prepared to foot the bill. I think it a simple exercise - I believe this/something that no one can deny. The only thing I see out of this that I would disagree with is that I do not believe that it is going to bring in the amount of money that our revenue as presently would be expected. Nevertheless I believe that this Bill will probably have a sobering effect on the purchasing of automobiles, the investment of automobiles in this Island, and I believe that it is going to do a great deal, because I believe that people/their automobiles are not going to be too anxious of going down the road and running them on a tree and laughing and saying that

Hon. M. V. Connolly (cont'd.): it happened to them abroad and it happened to me and this and that and the other, I believe that they are going to take care of their cars, and I believe that this in itself - it may not bring revenue to the Government it will provide a withering effect and it will save a lot of dollars going out of this country for the importation of cars.

One member said that probably this is the reason why we do not have public transport - I believe that is so - I believe today that a lot of people who are buying their own cars they would be better off, and I believe they would willingly resort to public transportation if the transportation was better. I believe that, and they would be further ahead and this may be one of the means of establishing that public transportation. I know that what some hon. that the suggested increases would be are there is always an objection to - I can see this. But I believe that the Fiscal Committee was wise. I believe today that the Fiscal Committee looked into all the avenues - I believe today that the Honourable Financial Secretary is not a person who goes hog-wild and takes every suggestion that comes along - I believe that he has looked into this very carefully, and I believe that this Bill even though there is some objection to it at the first I believe that in a short time things will go on as normal. I could not agree with the suggestion that was made that it should be on a sliding scale of the C.C. capacity - if my memory serves me correctly this was suggested in the Legislature some years ago and turned down - the argument against it then was that the Englishman was trying to sell his car, and I do hope that if the Honourable Financial Secretary had suggested it now the same argument would have come forth. I believe today that the Caymanians have access to trade and buying in the United States and they can buy a used car in the United States even cheaper - a car in good condition, and I think that this trend will continue to go on. There is on the statistics above here quite a discrepancy in the sale of units between 1974 and 1975 as stated by some Member. This - I don't think is relevant to this debate today because surely no increase was made between 1973 and 1975, but what happened is this that a lot of people find that they can go on their own and buy a car in the United States and bring that car to Cayman pay the Duties and save a thousand or so dollars on it. This is the reason why units here are not selling. Cars are still coming in on the boats and I am sure that this will continue. Surely the Government does not in any way wish to interfere with the free trading of people in the territory, but of course one has to contend with competition - in a free enterprise situation such - once a person has Caymanian status they are allowed to go into their businesses at their choice when they pay the relevant licence fee, and what one finds today there are more people into the car business than there were four years ago and there are more cars coming in actually when though the individual sees that sale for hundreds in '74 is not selling them in '75.

I take Percy's point and this has been talked about quite a bit about the small car. I would like any one to tell me what form of taxation and in what country that it doesn't bigher on/the small man or poor man - any time you put any form of taxes it goes to the consumer who ever he is, and I am sure we are not going to be any more fortunate here. The two hundred and fifty thousand dollars in duty that was paid on car imported says - yes he paid it in the first instance, but he made a profit on that by the time it came down to the man who purchased a car from him. I support this amendment. Sir, we hope that this amendment will in itself produce sufficient revenue to justify it, and also I hope that this could have a withering effect on the manner in which automobiles are used in this Island. As far as the bourse is concerned nothing in here is deliberately meant to affect the tourist, but on the other hand I think the tourist as well as each one of us has to remember that the Government has to be financed from some source, and whether we like it

HON. M. W. O'DONNELL (Cleveland): ... or not if this suggestion appears to be harmless it appears to be done to the benefit of all concerned I feel that the Government cannot be criticised for doing this. Money has to come in to pay for the different services, and each year they are wanting more. Forget about recession, forget about depression, year after year expenditures become more and more and one has to meet this, and obviously if we want the services we have to pay the bills. I support this with the hope that Members will feel like it is put forth in the best interest of the public and my wish is that it will go in a speedy way to do what it intended to do.

HON. D. V. WATTLEY: Mr. President and Honourable Members, it is just about four-thirty, and before moving the adjournment, or in doing so I regret that I will not see you all there at the opening of the new Government Offices.

Mr. President and Honourable Members, I beg to move/that the House stands adjourned until 10 o'clock tomorrow morning.

HON. L. A. MATHIESON: I beg to second that.

QUESTION PUT: Agreed.

AT 4.25 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. TOMORROW, 25th November, 1975

M I N U T E S

TUESDAY, 18th November, 1975 at 10 a.m.

PRESENT WERE: -

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. MAYNEP, CBE., JP	FIRST OFFICIAL MEMBER
HON. C. E. WORTHINGTON, CBE., QC.	SECOND OFFICIAL MEMBER
HON. V. T. JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON.A.B.BUSH,M.P	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. H.D,EVANS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR AGRICULTURE, FORESTRY, SOCIAL SERVICES AND LABOUR)
HON.W.W.CROSSLEY, OBE.,JP	ATHIR ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, POLICE, ADMINISTRATION AND SPORTS)

ELECTED MEMBERS

MR. D.M.EARNSHAW, OBE., J.P	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE M.BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. TRUMAN BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M.BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. W. NORTH BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR.CRAFTON ROBERTS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

HON. TREVOR ROBBINS	ATTENDING CPA CONFERENCE, INDIA
CAPT. J.A.SEIL	ILL.

ORDERS OF THE DAY

TUESDAY,

18th November, 1975 at 10 a.m.

1. The Customs (Amendment) Bill, 1975 / Continuation of debate/ (Committee stage)

2. The Trade and Business Discussion (Amendment) Bill, 1975 (1st, 2nd and 3rd readings)

3. The Travel Tax (Amendment) Bill, 1975 : 1st, 2nd and 3rd Readings

4. DEBATE ON FINANCIAL STATEMENT.

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TUESDAY 28TH NOVEMBER, 1972

11 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. We continue the debate on the second reading of the Customs (Amendment) Bill, 1972.

HON. BENSON O. EARLE: Mr. President and honourable Members, I'm not sure much that I work to say on this Bill. I'm sure that the Honourable Financial Secretary is glad or anxious to get back at - and answer most of the criticisms that have been made against the Bill, but there are one or two points I would like to make. As has been said the Bill really is in three parts, two parts dealing with revenue and the other with a typographical error.

The first section dealing with the revenue is the consequential enjoyment as a result of becoming an associate member of the European Economic Community through our association with the United Kingdom, and a lot of criticism was levelled at the way the Bill - because of the way in which it is proposed to meet the requirements of the E.E.C. by removing preferential tariffs. It was suggested or implied that a better way would have been to have reduced the rate on the various items that are affected by the removal of the preference especially in the food, buildings and alcoholic drinks and cigarettes areas. Now, and I think it was suggested that Government was unaware of the implications of this amendment. I would like to assure members that these areas were looked at are based on the statistics produced by Customs. We were of the impression that certainly no unusual or unreasonable burden would be put on the public as a result of removing the preferential tariff on the few items that will be affected.

Now, contrary to what was said yesterday our information is that the majority of tea, coffee, cocoa products and butter is imported from non-Commonwealth countries. Another witness I'm sure should - is obvious to anyone who visits the supermarkets that the majority of these are now imported from the United States. I am not even going to deal with the alcoholic drinks and cigarettes because that's a non-starter as far as I'm concerned with being an essential item, and I don't see the reasonable Member would honestly or intelligently expect Government in this day and age to have taken a step that would have increased its revenue instead of increasing it in order to meet the non-preferential rate required under the treaty.

Building materials. Now, the argument that I heard yesterday regarding the two items of building materials, that was affected - cement and corrugated iron sheets would have indicated was an argument to me that was really not very convincing. Because if these items are now purchased from non-commonwealth countries it is obvious that the commonwealth countries prices are more expensive even with the preferential rates. And, afterall what we are concerned about in these items is getting the goods at the cheapest price to the consumer; there could only be two reasons why these items are now imported from non-commonwealth countries, one would be that the price is not competitive from the commonwealth countries or else the products are not available. And I am suggesting that the first is the real reason, even in the case of cement for example even when this was available and so the makers of the commonwealth countries it was a better price being offered by cement imported from non-commonwealth countries, and I am positive that this will continue to be so.

To deal with the increase proposed on automobiles, Mr. President and Members, the increase of thirteen and one third percent proposed if one had listened to most of the speeches yesterday you would have got the impression that this was already a heavily taxed item or a heavily taxed area, and that the thirteen and a third percent was being put on the total tax bill of the public. I am not sure/mind that the

Mr. Benson G. [illegible]: Increase in duty on automobiles is an undesirable thing. It has been pointed out the import duty on automobiles in this Island is undoubtedly the lowest in any area that comes to mind. The statistics that were quoted showing the decline in imports of automobiles from 1973 through 1975 to be one of no significance to this debate at all, because it could not be argued that the increase that is now being imposed is responsible for the decline in the import of automobiles since 1973 to 1975. I think other Members have pointed out that not all of the automobiles - the new automobiles that are sold in this country as sold through the car automobile dealers that have established themselves here. I know of many people who have paid their passage to Miami, had a week holiday, bought a car, brought it back and considered that they've saved themselves in the region of one thousand Cayman Dollars, and frankly this is partly what is responsible for the decline in the sale by motor car dealers in the community. The other reason possibly is that 1974 or those about 73, it was when money became available for the purchase of automobiles on a higher purchase basis and this type of financing has dried up a bit since, and certainly because of the fall off in the country hence are less reluctant to advance money for the purchase of automobiles.

The other reason I would advocate is that the new cars that arrived in 1972, 73, 74 are now really second hand cars on the lots of these car dealers; they are being offered to the public at attractive prices and a lot of these are being bought up; these cars were taken as trades on new cars that were sold. Now, the arguments that we heard yesterday were exactly contrary to the arguments that were adduced last year and I ventured enough to make a prediction in the budget debate last year, and I'll make one again this year. I believe that economics is an exact science, and that those who stick their necks out in this subject are subject to having their necks often cut off. But, I recall that last year we were told that Government should not be budgeting to spend money on capital projects because we were in a time of inflation, now we are hearing the arguments that we should not be imposing the increased duty on automobiles because it's going to take money out of circulation. Last year I said that by June of this year the Members who were opposing the budget and the public would be happy that Government was bold and in my view prudent enough to be making provisions for these capital expenditures because if we could believe what we've read and heard there would not be much help to the economy from the local or from the private sector. I believe that no one at this point will argue with that, and I am going to stick my neck out again and say that I believe that next year we are going to see some expenditure by the private sector. I believe that by April, May of next year the economy will be noticeably improved, and that again we will be finding money being poured into the economy from the private sector.

But, to deal specifically with the question of the thirteen and a third percent increase on automobiles, that is on import duty, I think the crux of the matter and the question to be answered is whether this money is being put to good use, and I have not heard anyone who has been able to say that more and better services are not being provided by Government. And, as another Member has said if this is so, we must expect to pay for it, and therefore we must have to be prepared to bear the cost of these services.

The arguments yesterday were really dealing with percentages rather than dollars, and we heard that commensurate with this increase in duty there was a hundred persons, were cases more, increases in the operations or in the cases of an automobile. Well, one increased by one is a hundred percent increase; twenty-four increased to forty-eight is a hundred percent increase, but, is that really a lot of money to be paying to the services which are enjoyed.

Now, together with the other measures which Government or other charges which Government levies on an automobile as I see it if it is a new automobile in the amount to sixty-three dollars per year or five dollars and twenty-five cents per month or seventeen

HON. GEORGE D. MACKEY: (cont'd) point three cents per day, but I don't think that anyone can argue that there are sufficient monies to pay for improved roads and other improved services which we enjoy. I am positive that there increases, not only the increases but I would think that what you are paying altogether will be saved in wear and tear on an automobile. I am positive that an automobile can be put in a repair shop for five dollars and twenty-five cents a day unless somebody has been able to find a cheaper one than those that I am using.

As the Member responsible for roads said, the pot holes will soon be gone so you won't get your car wheels out of alignment, nor will you be breaking your shocks and springs as bumping cross; so that what is really proposed here by way of increase is more than off set by the savings that are going elsewhere. It was suggested that a more equitable way would be to impose this increase in duty would be based on the cubic capacity of the engine of the automobile, and that by so doing the poor man would benefit. Now, Mr. President this question has been debated in Government circles for years and it has been always accepted that contrary to working to the benefit of the poorer class it would work to their detriment, because the poorer person usually needs or goes to the United States and buys himself a second hand car, and on the lots the bigger the car the cheaper the price, so that you usually find the second hand cars that are brought in with the larger C.C. so this would mean that the poor person would be paying the higher duty. Now, even if it was argued that this be applied to new cars or would be preferential be on new cars and used cars - this had many loop-holes that would be difficult for Government to play, because if a person wanted to overcome the increase on the new cars as opposed to the used cars all they would have to do is go up and buy the car and drive it for a couple of hundred miles and it would become a used car; and I don't think that this is what we are looking for, we are not looking for problems in implementing this increase at all.

The last point I would make, Mr. President is that Government is aware of the current situation with the economy and there has been a figure put on what this increase is anticipated to increase the revenue by and this was not done in a vacuum. This was based on an average of the imports over the last five years. Now, as I've said I am not sure who can accept that '75 will be as bleak a year for the Cayman Islands as was '75: I think that '76 is going to be a better year, and, based on that I am not at all afraid of supporting this increase. As I've said, if this was something that I felt could really hurt the individual in any large extent I certainly would not be supporting it, but we are talking about a couple of hundred dollars on the average car and this cannot be considered an undue burden, and I support the bill Mr. President.

MR. SPEAKER: Does the Honourable Financial Secretary wish to reply?

HON. V.G. McKEEVA: Mr. Speaker and Honourable Members, first I would like to thank all Members for their contribution to the debate on this bill, The Customs (Amendment) Law, 1976.

Listening to all the debate it reminded me of what I said about the Development Plan, it had from complete acceptance to total rejection.

Mr. President, I was also glad that Members of Executive Council who were already acquainted with this and other bills, were able to explain in detail some of the points which were raised by Members on the other side. As I've said in presenting the bill that the machinery of Government preparing these recommendations is not made up purely of one or two persons, it embraces a large number of people, technical, administrative and otherwise, and all aspects of

HON. V.G. JOHNSON (CONT'D): considerations are given to the various recommendations. I know that proposals were suggested of ways in which revenue could be gained outside of the measures recommended by Government; all these were considered by Government and in much detail, but I know also many things to be taken into consideration in putting forward these proposals. Again, I know that Members just express the views of their constituencies when it may have to disagree with Government's programme or plans, as much as they would like to support it, and this is appreciated. Nevertheless on the whole I am sure that every Member in this Chamber with a clear conscience could say nothing other than the recommendations being put forward back by Government are not really an agency unreasonable. Actually, under customs import duty the only item specifically selected for an increase in duty is motor vehicles, there maybe other items under the other amendment to remove preferential tariff from the schedule of the Customs Law, but the loss of revenue there again as I explained was carefully examined and it is whether we accept the statistics provided by the Customs Department or not, but according to those statistics Government would not stand to gain very much from that particular amendment because the items which have been named are mostly imported from countries outside of the Commonwealth.

Now, I overall one recommendation which was suggested to raise additional revenue, and that was an increase on fines in the Court. I am sure that all Members here know that they are the law makers of this country and that the fines are imposed by a Judge sitting in open, and that we see our interference with the Judge in dealing with a case in the Court; therefore it is the Judge's prerogative to impose a fine of whatever size whether a small fine, a nominal fine or a large fine. Now, the Government anyone in this Chamber can go to the Judge and dictate to the Judge the type of fine he must impose in his court, therefore the question of an increase fine is simply not a reasonable suggestion. There was some mention made as to the advantages to be gained from the Caymen Islands' association with the European Economic Community. I think that particular matter was discussed to some extent with Members already and one of the advantages there was that the Cayman Islands would be subject to aid from the European Economic Community, in otherwords we would be a part of the countries eligible for assistance from that body. As this is being worked out now, it is difficult to tell at this stage what the nature of aid will be, but I am sure that if aid is extended to any member country the Cayman Islands will receive its share or whatever it is, and therefore there are advantages. The other advantages are those things which will be told us at some time to time.

Mr. President, quite a lot has already been said about the Customs (Amendment) Law, 1977 and the debate is only to go into the merits or demerits of the bill. We will shortly be recommending the House to resolve itself into a committee of the whole House to study the bill clause by clause and at that stage we will deal further with the recommendations. But, I would like to just ask Members at this stage to look at the recommendations again, to give it every consideration. I know that some suggestions were made for the increase to be only twenty-five percent, increase from twenty to twenty-five percent, but a five percent increase would yield practically nothing. We thought that an increase from twenty to thirty-three and a third percent would be a reasonable recommendation, and I still think that this is so. I cannot see where it will impose all that amount of difficulties on the public or on any particular individual, it's not a lot of money we are talking about and so I would ask Members to support the bill as we move into a committee of the whole House.

Mr. President, I now move, Sir, that this House resolve itself into a committee of the whole House to consider the bill clause by clause.

MOR. D.V. MARLAR: Mr. President, just on a point of order. I think we have to take the vote on the second reading first.

QUESTION PUT: AGREED. Bill read a SECOND TIME.

COMMITTEE STAGE

MOVED BY HON W.G. THOMSON, SECONDED BY HON D.V. MARLAR

QUESTION PUT: AGREED. HOUSE IN COMMITTEE

CLERK: Clause 1. SHORT TITLE

QUESTION PUT: AGREED. Clause 1 passed.

CLERK: CLAUSE 2. Interpretation

QUESTION PUT: AGREED. CLAUSE 2 passed.

CLERK: CLAUSE 3. SECTION 2 AMENDED

QUESTION PUT: AGREED. CLAUSE 3 passed

CLERK: Clause 4. FIRST SCHEDULE AMENDED.

QUESTION PUT. AGREED. Clause 4 passed.

CLERK: Clause 5. SECTION 38 AMENDED.

QUESTION PUT: AGREED. Clause 5 passed

CLERK: Clause 6. SECTION 45 AMENDED.

QUESTION PUT: AGREED. Clause 6 passed.

CLERK: Clause 7. New 20 OF THE First Schedule Amended.

QUESTION PUT: Proposed

MR. J. MAIN BROWN: Mr. Chairman, there is an amendment which I have tabled to this section and I think we should consider it a little. The amendment which is in the hands of the Clerk would have the effect of making the Ombudsman on the other mechanically propelled vehicle twenty-five percent instead of the thirty-three and a third proposed.

I would like to point out, Mr. Chairman, that by increasing the duties from twenty to twenty-five percent, we would be collecting a substantial amount of revenue according to the Budget Speech. The amount of additional revenue collected, if we put it to thirty-three and A third percent it would be something in the vicinity of three hundred thousand dollars, since there is very little to gain from the removal of the preferential tariff on the other items. So, it follows that if we put it to thirty-three and a third percent an increase of thirteen and a third percent we would be collecting an additional revenue of nearly three hundred thousand dollars; so it follows that if we put it to twenty-five percent an increase of five percent, we would be collecting over one third of that, [illegible] of a hundred thousand dollars which is not a small sum as stated by the Financial Secretary. He said in closing a while ago, that if we put it to twenty-five percent we wouldn't collect very much more revenue; I don't agree, because on a single item or a single annum if we are collecting an additional revenue of over a hundred thousand dollars to my mind that is a substantial sum. And, I would say that considering the other increases

MR. G. HUGH FERRELL(OOKI'D): Ent have been put on motor vehicles by the overall increase of all licenses and all other fees paid under the motor vehicle law. I think it is unfair to put such a large increase at the same time what we consider, as I've already stated, that motor vehicle is a necessity here.

And so Mr. Chairman, I would ask the Members to come out of the glass cage for a while and reconsider this amendment in the light of all the tax / put forward and make the increase twenty-five percent instead of thirty-three and a third percent.

MISS ANNIE E. ESCOBEN: Mr. Chairman, while as I've said yesterday I was a member of the Fiscal Committee and I realized and know that our Government must have money to function, (It's impossible to carry on without money) in the light of all these new advancements I would call them, that Government is undertaking we have to have money. And, I feel, Sir, that a layman such as this, Legislative Assembly be Customs, Agriculture, Planning or whatever it maybe must apply all and wisely. Not because Annie Esdelen who happens to be a Member of the Legislative Assembly can I scratch somebody's back who will scratch somebody's back who will scratch somebody's back and get what I want; that is not good enough, it is not quite enough. And I am saying, Sir, I was a Member of this Committee, I agreed to thirty-three and a third percent but I did not know and I repeat this that there was this fabulous amount of outstanding duty, which if our Government collected we might not have need for this. So I go along with the twenty-five percent, Sir.

Thank you.

HON. V.C. JOSEPH: Mr. Chairman, I heard a great deal yesterday about this outstanding Government Revenue, and it slipped me that I didn't reply to it in the winding up. I personally took some interest in this, I set up committees within Government, I went into the Customs Department myself to examine the position there and there is only one case that's worth mentioning in the Customs Department with any outstanding import duty, and I think I mentioned this to you already, Sir. It is the case of a Hotel that built condominium homes on the Seven Mile Beach applied for concessions under the Hotels Aid Law. The matter has been raging without a decision for some while and instructions have now been given to the Customs Department that the duty must be paid, outside of that we have examined the accounts of all importers and there is a small list of duty outstanding, and it is because the companies themselves have been in the process of preparing their accounts and haven't been able to get them forward. But, in some cases we're not talking about very much money. I thought it was an appreciable sum of money but it's certainly not, and if anyone can provide me with any information other than what I have found in the Customs or any other department I would be happy to have it. But, so far there is only one case which is worth mentioning, that I should say, Mr. Chairman, is not really worth using as a weapon against the introduction of any measure in which Government under these bills.

MR. JOHN B. MCLEAN: You see Mr. Chairman, I came back to the statement that I made yesterday. If we were to go around chasing all the rumours that are being said in this country - and I spend time trying to set some people straight, I think internally I have a commitment and a responsibility to my people that I am supposed to lead them, and certainly there are a number of questions to answer that I am supposed to provide for them. But, you'll find in business like this just like I've mentioned yesterday the fact that two months ago I could be told by the public that they were going to introduce a duty of forty percent on cars.

Now, I am an elected Member of the Legislature representing the people and this is not known to me, but these things can only come from people that would have said I didn't happen to be one that did. I am saying there are too / people that are spending their money months when they ought to keep them shut. And, I am saying Mr. Chairman

MR. JOHN D. [illegible]: that there is also too much meddling going on inside of various departments, one trying to overrule the other and it's about time that these things be set straight. It is embarrassing to Legislators and it's deplorable to Government, I think that things need to be done to straighten out some of these things because, certainly we are suffering and the country is going to suffer if we are not able to do something about some of these things.

The arguments introduced here to kill the bill, that's normal, some of these same people are doing that. And, I am saying that as far as I'm concerned I have no other alternative, but in thinking that we have provided things for the people of these Islands - and I don't know any other responsible Government in the Caribbean or anywhere else that has been trying harder to provide the amenities or the essential things of life for the people like this Government has been trying to do sure they make blunders, sure they make mistakes but who doesn't? All by large I say that no Government has tried harder, and today we find we have had a lot of good deeds. This year has been a very tough year, expenditures are down, where are we going to get the money from except the people we are going to be the ones that's going to pay for that - I don't have a crystal ball, it seems that when I go to buy a new automobile I'm going to be doing the same as anybody's else. And, I say Mr. Chairman that the explanations put forward are not convincing enough to me. If we reduced one dollar here on every item that was brought in here as far as duty is concerned nobody would be happy about it, it's only of a nature. But, we have to realize that if we are going to get some things provide more services for our people, and all of a sudden there is a slump in it, this is not a slump only in the Cayman Islands we have done well. The financial centers of the world - New York city is on the verge of bankruptcy, so we sit back - I think some-times we try to build these things out of proportions. I think it's our responsibility to make our people realize we have something, we're providing something for their benefit and we are going to pay for it. I think it's just straight forward, Mr. Chairman.

Thank you very much.

MISS JANET H. [illegible]: Mr. Chairman, I would like to say this unemotionally, I do not chase rainbows, rainbows chase me and I live up to representative of the people when I know things are wrong with this Government that it is my duty as a Legislator not to talk it. I could relate which I shall refer later on to certain concessions that certain people have not because they are Legislators, and I am saying, Sir, respectfully, it does not apply to me because I have the last new automobile I intend to buy; I have it, paid duty on it, got it in my possession, but I cannot drive it. But, I feel, Sir, that when I bring anything to the notice of this Assembly it's not any hear-say, I could go into details but I refrain from so doing. And I am saying that I respect those rainbows I have no need to; I am a responsible body of this community and people respect me, and when I know things are wrong I would be remiss less than my duty which I did not bring it to the attention of those concerned. And, I take it outstanding duty without a shadow of a doubt.

Thank you.

MR. T.H. [illegible]: Mr. Chairman, I have no hesitation in saying that I support this amendment of twenty-five percent with the proposed amendment. I really think that from twenty percent to thirty three and a third percent could be called unreasonable. I realize that we need money to run our Government, but at the same time I feel that we need to be guided by what's happening in the Eastern Caribbean and all these places; they are in trouble, so I think we should consider this item in the light of not going as high with the increase, but instead of the thirty-three and a third percent I support the motion for twenty-five percent without hesitation.

MR. G. [illegible]: Mr. Chairman, I would like to add that this increase from twenty to thirty-three and a third percent is an appropriate and a reasonably high increase; one only has to look at it, the duty

MR. G. HAIG BODDEN: (continued): From time immemorial in these Islands or thereabouts has been twenty percent. Today if by the stroke of a pen we put it to thirty-three and a third; what we have actually done is to increase the duties by a margin of sixty-seven point five percent and that is a walloping increase in anybody's money. And, on an item as costly as an automobile we shouldn't do this. Today in the Cayman Islands an automobile is a second highest purchase the ordinary man will make, the only thing more expensive would be to buy a new home, and it is unfair to put an increase on the old duty of twenty percent. It is unfair to increase the old duty by sixty-seven point five percent at its former amount, and putting it from twenty to thirty-three and a third percent would be increasing the duties by sixty-seven point five percent of the former amount collected.

And, this is done concurrently with increasing licences on every item under the tariff. Now, some increases are not done by sixty-seven point five percent; in some case it is as much as a hundred. In one case it is as much as five hundred and I think this is asking too much of the owner of a motor car in a place where we are devoid of public transportation. Tomorrow morning nobody would be able to get to work, there is no bus service, there is no sub-way, there is no stair and we're just asking the common working man to pay too much at one time. I could go along with an increase, but not one of this nature.

We are back - and I'm not really coping (me) the budget, but there are two ways to balance a budget and we are only using one; one is to cut expenses that is unknown, and it is wrong to single out a specific item that is an essential item, it is a way of life here, it comes next to food, clothing and shelter, and it is wrong to tax this and it is wrong to put so much one time on one item. Why should one item be called to pay for the sins we committed during 1972 in putting forward a budget which was accepted here November 1971 as being far too big, and we shouldn't be called upon or one item shouldn't be called upon to pay for the sins committed because in a membership Government we must have plans, we must have developments if these Members are to be re-elected; and this is wrong, and I can't go along with it.

HON. JAMES M. MILLER: Mr. Chairman, I too cannot go along with the thirty-three and a third percent. I favour a reduction, I would like to see it personally done more on a graded scale but I do support the twenty-five percent, because I think it is more equitable.

Now, Mr. Chairman, you know maybe the members of this House could go along with this increase if we did not have all the other fees that have been increased without the consent of this House. My colleague and myself have argued in this Assembly for the past three years against skeleton legislation, and a good example of that, Mr. Chairman is in this special session. We have nothing to do with the regulations, fees or anything else once they go to Executive Council, and the best about it is that date when that is done they are free to do as they see fit, and this House has no more control over it, and we are not true representatives of our people after that point. I refer to this Mr. Chairman because under the Traffic (Amendment) Regulations,

again, dealing with the motor vehicles; I'm not straying from the subject, the smallest increase that I find in this is roughly forty percent; they vary from forty percent, fifty percent, a hundred percent, a hundred and fifty percent, three hundred percent, five hundred percent. Now, I think this is exceeding too much, either we do away and scrap these new regulations that you have put forward, and then we'll accept the bill at thirty-three percent or reduce it to twenty-five percent and keep the regulations. But, I do not think it is fair for something like this to happen, I have always been against it and will continue to be against it. Anything that affects taxation be it in regulations or otherwise should definitely come back to this House and be argued with each one having his opinion to put forward.

MR. JAMES M. SOCKWELL (CONT'D): I would like to point out another thing which I consider an anomaly in this law, Mr. Chairman, and that is under special vehicles. I have had correspondence with the Banker in charge under which I think this falls under his portfolio; and I cannot get any answers. We have people today who have a little newspaper that they may rent for say six or eight dollars a day or whatever the cost was in it I really don't know, but it is termed a special vehicle. Under the old law it was subject to registration but I think it was somewhere around ten dollars or twelve dollars a year for that. We increased it last year to eight dollars, this year we're increasing it now to a hundred dollars. Now, I have spoke on behalf of many members of my constituency appeals to try to get this altered and nothing was done. Now in this case Mr. Chairman, it seems to me like being a stroke with a pen can do such things on this than a stroke with a pen should've been able to alter this special vehicle status a little bit in favour of the workers of not just my constituency but the whole Island. I think it is time, Mr. Chairman, that we do give serious [illegible] to these increases, and we just come into these and vote them just because it might be popular to agree with somebody else.

Now, again with all of this, Sir, we have the Caymanian Preservation Law and Regulations, again we have three hundred percent increases in them. The Post Office Bill, we have a hundred to a hundred and fifty percent increases in that, everything is being increased. And, I'm sure that the Members of this House could go along with certain things if it was a fair increase, but not when we have an increase that is running, as my colleague said, about sixty-seven point five percent in one single item plus the other smaller items [illegible] as high as five hundred; in fact it is one of them that I have scribbled here aside a note on it, it goes as high as twelve hundred percent. So, Mr. Chairman, I hope that we can get this amendment on this Bill.

Thank you Sir.

MR. FRANCIS M. HILL: Mr. Chairman, I for one was asking for twenty-five percent instead of the thirty-three and a third. And, while reading the memorandum of objects and reasons I see where it says, as the Cayman Islands become an associate member of the European Economic Community it becomes necessary to amend the Customs Tariff rates in order to do away with the protectionist rate of duty and so comply with the Islands obligations under the treaty.

Mr. Chairman, I have no axe to grind, but I feel that this is a bit high and we are confronted with recession and we need money to do the business of these Islands, and it is no use of us trying to impose taxation on one particular individual when we have complaining to quite a number scattered in various categories, and this for one would be very affected on the average poor man which we are aware of the fact that any taxation in any Island, the poor man is the one who becomes affected by it.

Thank you Sir.

MR. G. HAIG BODDEN: Mr. Chairman, there is one point that I think has been overlooked in this whole discussion, and it is such a startling revelation that I think we will get this amendment.

In 1979 there were only eleven thousand three hundred and ninety-four vehicles registered, we can assume there was a similar amount in 1978 and perhaps the same amount in 1976, we're not apt to see any large increases because cars even in that is true, but cars are also being scrapped up. The point is, we're now averaging [illegible] if we took it back to 1955, I have the figures for that, but it we were to take an average from then it would be way below three thousand; but let us take the last three years counting a projected figure for 1980 and we will see that we'll average something like three thousand three

MR. C. HALE BOGGS (Contd): hundred and ninety-four registered vehicles. Now, under the proposed legislation the Financial Secretary hopes to raise increased revenue of five hundred and thirteen thousand dollars from these three thousand vehicles. He expects to get three hundred thousand dollars on import duties and two hundred and thirteen dollars additional revenue from the increase in licenses. So Government is expecting to raise an average of one hundred and eighty dollars per vehicle next year. Now, ...

HON. BERNON G. HANKS: .....that's misleading.

MR. C. HALE BOGGS (Contd): Well, I'll get the figures from the Government's statistics and I will give them to you right now. To 1974 if this is true, I don't believe Government publications, but if this is true in 1974 we had three thousand three hundred and ninety-four motor vehicles examined and registered. And, if you want all the figures from 1966 I can give them to you; you don't want them? Ok,

HON. BERNON G. HANKS: Mr. Chairman, the Member .....

MR. C. HALE BOGGS (Contd): Mr. Chairman I shouldn't be interrupted by these Members when I'm speaking. The point I'm making, Mr. Chairman is that we will have on the road next year approximately three thousand four hundred vehicles; they will contribute to this Government additional revenue of a hundred and eighty dollars per a vehicle. This additional revenue will come because of the increases we are making here today along with the increases that Executive Council have already made and have circulated to us; remember that this one hundred and eighty dollars per a vehicle is not the only revenue that they will pay. They will pay what they were paying before under the old rates of increase and under the old duty of twenty percent. In addition to this these now comprehensively insure their motor vehicles will have to pay additional increases again because of the inflated values of the insurance, because of the inflated cost of the vehicles. So, we're looking really not at a hundred and eighty dollars, but two hundred dollars and I know that this fact escaped the Members, had they remembered this earlier they were putting on the individual owner they would never dare to put forward such a high increase. And, I'm asking them to be good fellows and reconsider this; I know it's hard for Government when it puts forward its policy especially when it has the force of collective responsibility given to it under our constitution, it is hard for them to make changes but in the face of the mitigating circumstances that I have pointed out they must, if they're fair minded at all, reconsider this assessment.

HON. W.W. CROSBY: Mr. Chairman, I think the Member is confusing the issue, because if his figures are right and he says he gets the statistics .....

MR. C. HALE BOGGS: Mr. Chairman, I beg to be corrected. Those are not my figures.

HON. W.W. CROSBY: No, I'm saying .....

MR. C. HALE BOGGS (Contd): Those are Government figures .....

HON. W.W. CROSBY: Please don't interrupt me.

MR. C. HALE BOGGS (Contd): are apart from that I have other statistical support of Government that he can have.

MR. CHAIRMAN: But the Honourable Members has drawn on certain conclusions from the basic figures and I think it's right but on the other side they should have the right to refute those conclusions if they see fit.

Hon. M.P. QUINNEY: ... the Honourable Member is assuming, and he has projected a cost of a hundred and eighty dollars per year; this is what he says is going to cost a car owner next year, and the figures these three thousand cars that are in the Island now. Does he anticipate people paying many on these again? Well how did you get that? Don't answer me yet, don't answer me yet. (Honourable Members laughter) What I'm saying is that I wouldn't have that the cars that are in these Islands now, the three or four thousand cars that are in this Island they have been duly paid. So, surely this thirty-three and a third percent increase would not have affected those cars of which the Member has all these records attached to. And, I cannot see how in the world that he can isolate out any ratio in any case to figure where it comes one hundred and eighty dollars per car.

And, I'm sure that this is a misleading. What we are dealing with here is the number of cars that will come in after this law has been passed. If the Member wants to argue that there will only be one hundred cars coming in next year or two hundred cars or three hundred, even that's a different thing. But surely no one can take the number of cars that's on the road now and have any relationship with the amount of duty that would be involved. It is true to say that the Financial Secretary figured an increase, or additional revenue from increased licences on the present cars, this is true to say; but in no way in the world can it be one hundred and eighty dollars per car, this is not so.

Now Mr. Chairman, I think one Member this morning made this pretty clear, it should've been very clear that the ordinary life of an automobile is considered four or five years; this I think is the right-off hand or a car with proper maintenance. And, if it costs a person, five hundred dollars. Anyone in any is bringing in a car on 10% and has six years, then we figure this mathematically making one hundred dollars a year, as given though going by strict percentages, even though it is sixty-seven percent if didn't check it out, the Member said it is sixty-seven percent increase), it doesn't go to say that this is a recurring annual increase, it is not a monthly increase, it's not a daily increase, and I would feel safely that it is reasonable.

Another point that has been brought out in this whole discussion is the cost, and I think the Member himself brought it out that it has been four years immaterial that this particular duty has been fixed by Government. If this is the case, and I think he's right, surely I believe this is a good reason for the Finance Committee to have considered that it is time to look after this particular item. There is no other item in Cayman that I can remember of that has not gone up hundreds of percentage, and I think this was a good reason why the Fiscal Committee when they recommended to Government an increase, but again is it right every year to come and put on one percent, two percent, one percent, or two percent or two percent; it is better to put on a percentage that would produce the desired effect, and if the desired effect base is to increase revenue then I see the reason for it. One has just jumped to the matter of five percent increase without going into any detail study, merely I suppose this House could put on any percentage that it desires, but why put on a percentage that does not produce the effects for which it is put on. And, I consider today that Question which has been asked by the Member / the Budget being too big or too small, there is no enquiry has ever that whether there was a recession or not normal increases in any operation, in any economy, in any Government, in any family year after/is expected, and I'm sure it is only wise for the Government to make provisions to secure the revenue to pay for the expenditures. I consider that the thirteen percent increase is not ridiculous as the Member has said, and I'm sure that he is exaggerating this and blowing it out of proportion but I believe that he himself feels like this is the proper increase.

HON. ROBERT S. FRANCIS: But he won't admit it.

MR. G. ERIC BOOTH: Mr. Chairman, I just want to clear up a few little points. All I'm saying is that whatever cars are on the road next year will give Government the revenue from cars; in otherwise it is I anticipate there will be three thousand three hundred and ninety-four vehicles on the road next year, and the Financial Secretary expects to get increased revenue of over half a million dollars. That revenue will come from whatever cars are there, so that the increased revenue if you divide the five hundred and thirteen thousand dollars by three thousand three hundred and ninety-four cars you'll get a hundred and eighty dollars and sixty-one cents.

Now, when I use the word 'revenue' I know I'm not thinking of only import duties. I have enough sense to know that Government's revenue does not stem from import duties alone. In the case of motor vehicles, it also comes from the licenses which are being increased here and we could also put in petrol taxes, but just to confine it to the licenses which are increased and the import duties the plain fact remains that this Government next year expects to collect an additional revenue of over half a million dollars from whatever cars are on the road, and that works out/an average of a hundred and eighty dollars; there is no sweeping that under the carpet. If it is true that the cars already on the Island will not pay a hundred and eighty dollars, I'm saying that the total cars will pay an average revenue of a hundred and eighty dollars.

HON. W.W. CONOLLY: Have you taken the cost of how many cars are coming in? How can you strike an average when you don't know how many cars are going to be imported? You've taken an average of what cars that are here now, and what I'm saying is this that Mr. Johnson, the Financial Secretary is expecting to raise a lot of money .....

MR. G. ERIC BOOTH: Mr. Chairman, I beg not to be interviewed.

HON. W.W. CONOLLY: I thought you could .....

MR. C. HAIG BODDEN: This is very disgusting, especially coming from a Member of Executive Council.

HON. W.W. CONOLLY: It is pretty true, but I thought you was finished. Are you finished yet? You're finished, you're finished? You said yes.

MR. C. HAIG BODDEN: No, I didn't say that.

Mr. Chairman, we can only look at the statistics from 1966 to 1974, the figures are not available, we can project for '75'. If we were an average from 1965 his case would look worse because it would seem that it would work out more than a hundred and eighty dollars per car. But, I don't need to labour the point, what I'm saying is that the total number of cars in the Island next year, whatever their cost, will produce the total revenue that Government anticipates, and that works out so much per car. And I have enough sense to know that the cars that are already here will not pay import duties, but they will pay their licenses. So, it means that for some cars they'll be going to pay far more than a hundred and eighty dollars; some of them are going to pay over a thousand dollars but I didn't want to embarrass him by pointing out the exorbitant price that is being asked of the individual, I was using averages.

Now, he made mention to the duty being fixed for a long time at twenty percent; the price has been fixed at twenty percent for a long time, that is the reason why we can't put it thirty-three and a third percent because when a price is fixed people, the public comes to look on it as the price for the thing. If the duty was twenty

MR. G. MARK MENDELL: ... percent they expect to pay seventy percent and they don't mind paying a little increase to twenty-five percent, but they don't want to pay two hundred because this is the price which they have known, and we don't want to upset the equilibrium of these people by asking them to pay an exorbitant price. What we have to remember is that people budget to buy cars, infact, there are some people who will be caught up the crying is will, while parts down now, they have cars ordered which they have budgeted to pay for and this is going to estop them out. And while we must not totally consider one or two people, we have to remember that any upset in the price - and to put this from twenty percent to thirty-three and a third percent would really be an upset... The people will tolerate a justified increase, but they don't like to feel that they are being crucified, so it is only reasonable and fair that you should have an increase but you shouldn't have an exorbitant increase, and that is all my amendment is asking for. Have the increases in line right now with the other changes that are going out, let the increase be only to seventy-five percent, that's all I'm asking for, Mr. Chairman.

MR. JAMES M. BURNETT: Mr. Chairman, my colleague brought me some time that I should do some quick figures here. And this again is going by Government report.

The Financial Secretary in his speech said that the new revenue from the Customs and the motor vehicle duty was going to amount to five hundred and thirteen thousand dollars. One Member said yesterday that that was a very small amount, but we didn't have to worry about it, we just said yes play in the ballpark and say yes, so that's what we would do. Nah, Mr. Chairman I'm going to submit to this House that this is a large amount and I'm going to try to prove to this House some of the figures that my colleague was just speaking about.

Going back to Government statistics we find that in 75 we had three thousand one hundred and twelve cars registered on this Island, this is ordinary cars, private cars. Now, if we take that by the increase of seventy-four dollars each that's going to yield us seventy-four thousand six hundred and eighty dollars. We have five hundred and sixty-three trucks, it's a bit difficult to figure that because you've got about three different grades of these trucks so we figure twenty-five dollars a piece average on them, we'll come out to fourteen thousand and seventy-five dollars increase. If we take the cycles we have a hundred and twelve of them registered in 75 and we take their average increase at seventy-eight dollars, we'll come to three thousand one hundred and thirty six dollars. If we take the sixty-seven two hundred and thirty-two of them at an increase of thirty-two dollars, we'll have seven thousand three hundred and ninety-two dollars. Special vehicles, we had estimated, if we take the increase at twenty we've got two thousand dollars, we add that together it totals a hundred and one thousand two hundred and ninety-one dollars.

Now, figures we reported to this House yesterday show that from four car dealers imported into the Island last year was two hundred and sixty-six, to my knowledge there's about four other dealers and we did not get reports from them. There is also a lot of used cars brought into the Island by the used car dealers as well as people who buy them on the side in the United States. So, lets say that altogether coming into the Island conservative estimate is four hundred cars a year: the average price of these cars - basing it on dealer price and used car prices would come out to about seventy-five hundred dollars a piece: that is giving us one million dollars of money spent. If we take a thirteen per a third percent increase on that it comes to a figure of thirty-three thousand three hundred and thirty-three dollars. We take four thousand eleven pistols at three dollars

MR. JAMES M. BOODRAM (Cont'd): increase a year that's twelve thousand dollars. We take the driver's licence at ten dollars increase four thousand of those, that's forty thousand, we add the entire thing together Sir, and we come out to two hundred and eighty-six thousand six hundred and seventy-four dollars. And, I submit from just one item that is a large amount of money Sir.

HON. HENRY C. FRANK: Mr. Chairman, when we adjourned we were getting a lot of statistics, and while I know it is possible to take any set of figures and produce almost any desired result if you are not going to stick to certain principles, I think that we should make it quite clear what we are talking about.

The three hundred thousand dollars which the Financial Secretary said in his debate will be yielded from increased duty can only be applied or derived from new cars coming into the island. The two hundred and thirteen thousand dollars from the traffic tax receipts which were made on Executive Council will come from all vehicles on the road now: those that are imported and for all the other vehicles that have been introduced. I have done a quick calculation myself and I'm not talking about the increases tax, I'm talking about the total dollar cost to keep, that is payable to Government in fees to have a car on the road is fifty-eight dollars per annum that's the registration inspection and your drivers licence, so, lets not get the public excited that they're all going to have to pay one hundred and eighty dollars next year so they have a car on the road, it actually will cost fifty-eight dollars in Government fees.

It was also said that this increase is necessary, as the increase in revenue is necessary because of last year's budget. This again is a misunderstanding of the fact: the increase in budget is to balance or the increase in revenue required is to balance 1978 budget, not to balance 1976. And I will calculate that if Government had not been spending money in 1975 many people might have been in very, very serious circumstances today believe me.

The other point that has not been mentioned in this debate which I think is significant, is that probably the largest single item in operating an automobile is the purchase of gasoline, and why gasoline has increased in price tremendously over the last several years Government has not seen fit to increase the duty on gasoline. Now, it must be remembered that this is unlike most other commodities on which the duty is paid on an ad valorem basis so that an automatic increase in price results in an automatic benefit to Government, and a cost to the consumer in duty. But, gasoline is paid for by the gallon so that the increase in price does not automatically reflect an increase in price. We are paying seventy-five cents a gallon for gasoline in Guyana and in the neighbouring country of Jamaica you pay a dollar and twenty-five cents at the moment. Now, it would've been possible to put something on to gasoline as well but everyone knows that this would've been another bone of contention I dare say: those arguments are and are increasing it on gasoline because quite a bit of gasoline is used in pleasure, but on the other hand there are people who use it much more directly for a livelihood, say in the fishing trade than does the operator of an automobile because if the taxi driver doesn't have any business he doesn't use his car, but very often a fisherman burns up a lot of gas and catches no fish.

So, the crux of this whole matter is that if we want roads and other services we have to pay for them, and certainly it has been pointed out that even the people that is provided in the budget for the contribution of the roads will not even the calculation, and that it is understood that it [illegible] improve roads will have call on the improved financial position. I cannot believe

HON. ROBSON D. BARNES (cont'd): that the average person in this community does they've had the opportunity to really absorb what this exercise is doing rather than being scared by what they are being told it is doing, that the average person will object because if you want to learn from them what you want a good team you have to pay more money for it. And, to undertake another green roads in this Island is a big undertaking for a community of this size.

And when we sit down and think that we are getting gasoline for seventy-five cents a gallon, water rates up to this point have been imported at nearly pursuant import duty, I don't think that we can say that the increase asked for is unreasonable. In listening to this debate it seems as though Government has just sat down and decided to extract a lot of money from a particular sector of the society. It is not even supposed that this money is really going to be spent for the use of the people, but Government's money is the people's money and it is what the people pay to provide the services that they enjoy.

Mr. Speaker yesterday said that in very few territories is education free right through up to the second level that is high school. He would also be said that in many instances it is free through university; they are transported at Government expense and these services have to be paid for somehow. Now, we talk about the poor person and this and that, let me be quite frank about it, I'm not saying that a car is not a luxuries item but when a person owns a car they're really not poor. Let's be honest about it, in this country we have been fortunate but we haven't had to say well we can't import enough gasoline, we don't have to ration gasoline, you have to where cars this is what has happened in big developed countries, but there is no other country under the sun I am sure, but you run up to a working site and find some automobile that you can't explain. Now, don't get me wrong, I don't begrudge the people or think I'm happy to see that they can do it. But, what I am saying is if conditions were that deplorable there would be more shortage of transportation, and we should not confuse this issue about the sixty-seven percent increase and what not. According to my figures it's fifty-eight dollars a year someone will pay next year to operate his car, that concludes the increase. I don't know all of these figures, I'm talking about Government fees, an even the dollar amount is less than the percentage amount below. talking about.

MR. G. HAIG NEARING: Mr. Chairman, I don't want to speak too many more times but .....

HON. ROBSON D. BARNES: I'm not finished yet.

MR. G. HAIG NEARING: Oh, sorry.

HON. ROBSON D. BARNES: I'm going to speak just one go round,Mr. Chairman,and hope that I've said what I intended to say on the bill.

I am confident as I've said, that when this increase is fully understood there's not going to be this reaction that seems to be at the moment. I was told last night that you'll soon won't be able to drink this fruit punch you're drinking now. I said why? You people applying the duties, I said well where did you get this from? Yes, this is what's happening, in the society, applying the duties the people had been made to believe that duties are going up by four hundred percent on nearly item in the country. I said no my bicycle automobiles and so on, he said that's already I thought it was on food and clothing. We all know that the essential items on food most of them are free, and those that are not free of import duty are certainly at reduced rates.

MR. WILLIAM C. KENNEDY (CONT'D): And some mention was made about the other wings that are affected here, but I said as far as I'm concerned they're not - as far as they don't come into the argument. That's not necessitating. The proposal - an increase numbers ranging on appropriation of thirty-three and a third percent, in view of the needs that we have and we see continuing to put is in my opinion a reasonable proposition. If we cut this to twenty-five percent we're going to have to look for other ways and means of money to balance the budget. It is significant to note that the figure in the estimates for these buildings is just about the amount of money that you would lose if we reduced this to twenty-five percent, in other words you would lose just about two hundred thousand dollars as I see it. So, it is significant to note that that's just about the amount of money that would be lost to Government to reduce it to twenty-five percent - is the vote that is in the estimates for the continuation of the Room programme. If we are going to get roads and all of the other amenities the thirty-three and a third percent in my opinion is not unreasonable. This is over the life of the vote, it's not something that somebody has to pay every year.

Thank you Mr. Chairman.

MR. CRADDOCK EGGINS: Mr. Chairman, I getting a little hot sludgy you know lol. am not in to say something on this. What scare, to be always beyond the understandability of the Members from this side against the Members on this side in other words we don't understand what it all means or what it's all about, yet some of those very leaders on Executive Council have sat on this side not too far back, and put up the same losing battles that we are fighting now. If it were for the people then as was often stated and they wouldn't agree with it. How can they so easily agree with whatever is brought by Government and when it comes to the House look on this side as ignorant people.

I am not going to say very much on this Mr. Chairman. We feel that the thirty-three and a third percent is not unreasonable for the purpose that it has been asked for, or help provide other amenities as well, but there are quite a number of people who are having a rotor vehicle driving their car that they undoubtedly - won't attest them very much, they get their maintenance allowance, when the car needs to go into the garage the tax payers help pay the bill but when something goes wrong it claims. There's always two sides to a coin, the wrong and the right way it depends on how you are at it. I would only suggest myself then yesterday, we've already spent enough money over the past three years to have done all the roads irrespective of what measure you wanted to do with, and if we triple the amount of taxes it will be just that much more money to go down in the drain. Any conscientious Member cannot say that it will not affect the motor vehicle owner, that it will not create some hardships.

Earlier you just made that quite a number of country essentials are duty free, but do the pub us get any benefit of that. The impression in the city are all it appears that Government don't have time to check into this to see whether the consumer is getting any benefit of these duty free concessions. How can we then be expect clear thinking elected Members get here knowing that we appreciate the needs and any whatever occasion we impose won't affect them, won't create any hardships, any difficulties. If you have a dollar when you go to the store and you have fifty cents but if it don't tell me you don't like it when you get in there.

Last year when I went to pay taxes on my bus I paid for a full year and that was supposedly have ended in July this year gone under the new regulations that was supposedly have been into effect. When I was called up and told that I owed fifteen dollars and I argued the case, well it's in the regulations, it hadn't been brought to the House but it had been made in the regulations behind your Members back. I intended fighting it but when I asked the Commissioner second

MR. CHARLES EDWARDS: (cont'd): additional Member light on this. I used this as an illustration, if I was importing a vehicle and I had all the documents pertaining to the boat and what not two days before it reached port and I went in and cleared up my freight, my duties and what not so that when it landed I could take it and go about my business. But, the day before it reached the customs law would be invoked; but I had already paid under the customs law what was necessary, he said you'll still have to pay two extra, I wouldn't see that being just and I still can't see it being just. So, against what I was saying I was dumped to pay fifteen dollars taxi, now we're asking for a much higher increase again. So, Mr. Chairman don't tell me that it won't affect or won't have an effect - and not because some Members of the public or the public might have taken a certain view that an increase in all duties; I haven't told any member of the public that but I'll admit that a lot of this rumour mongering got around and misconstrued and misconstrued what was never mentioned and what not.

While I said yesterday that I wouldn't support any type of taxes pertaining to vehicles till we got roads, and Government take some system of motor vehicles insurance, I may reconsider and go along with twenty-five percent against the thirty-three and a third and then a break down as the other proposed taxes as well; other than that I will still stand firm on what I've said. And, I said this on my own feeling that it was the interest of my people or the people of the whole or the country which I intend to have a meeting with my people tonight to be guided by their views on the time of taxation that we're got coming up, and I will use my better judgement to go along with them or against their suggestions as the case maybe. But, I am sure that we couldn't have like has been said other revenues of taxation without increasing, this one portion or member of the public.

P Member - the last speaker mentioned that when you want something just you must pay for it, I agree one hundred percent, and that's where a lot of the Government money on the two years has gone buying things that wasn't any good to them, cheap inferior quality, and I guess the Member is aware of that that's why he made my that. I will go further into these things Mr. Chairman when it comes to applying to the financial Speech. I suggest that we're going to debate this speech before estimates time was announced, because the reason for making the question was to get some grounds of you and so it could be used in the general debate. So at this time, Mr. Chairman I think I have awaken for a little bit and I will close off at this. I thank you.

MR. CHARLES M. SOLOMON: Mr. Chairman, I have one more point that I would like to inject at this time to my friend who came from an exalted position, and that is that we're not trying even to balance this budget, what we're trying to do is to earn as much revenue as we can because time is very much when we could balance this budget. If we're talking about balancing this budget within one hundred million dollars to try to do that this year, so if we were to take off a little bit of the taxes here - the increase it would only mean that we're go borrow a little bit more, so we can forget about balancing the budget, don't really talk about that sir.

MR. E. ERIC BROWN: Mr. Chairman, most of the objections against this amendment were or are irrelevant. But, in so doing one Member did bring out a very valid point, and that is in the system of collecting duties: he pointed out that when duties are collected on a pro rata basis like in the case of gasoline Government revenues do not go up with an increase in the price, the cost price of the item. Now, in the case of motor cars duties are collected on an ad valorem system which means that any time the price of a car rises Government's revenue automatically rises. Cayman's have just announced that the 1976

MR. F. ECCO WEDDERBURN (Ag'd): ... cars will yield an average of five hundred dollars per car more than they did in 1975; this means that our Government here will automatically collect one hundred CI. dollars per car without any increase in the rate of tariff. So, the Member who pointed this out that when we collect by an ad Valorem system we are on to solid ears We automatically get an increase in revenue - that really does us a favour because it shows that our Government will this year collect increased revenue because the prices of cars are up. So, even if we do not increase the rate from twenty percent to thirty-three and a third percent this Government would still collect about a hundred dollars per car more revenue than they did.

Some mention was made of the price of gasoline in Jamaica, I think that was all nonsense because the Member said something about paying a dollar something in Jamaica not telling the House that the Jamaica dollar is less than the Cayman dollar, so it wasn't a true comparison; furthermore Jamaica has what passes for a public transport system, we don't have that, a car is not a necessity in Jamaica nor England nor Cuba, a car is a necessity here. And, I was also perturbed to know that not only the but apparently the Members in Executive Council find it difficult to understand what is meant by averages and I would like to repeat this, I maintain that we will collect a total revenue next year from all the cars in the island, that total revenue is a combination of court fines, licences and import duties. If we have approximately four thousand cars on the road next year and we collect additional revenue of nearly over a half a million dollars the plain fact is the average per car will be in the vicinity of one hundred and eighty dollars. It is true that the cars that are already on the island will not be paying import duties, but that doesn't weaken these from the averages.

Also one Member wanted to make us believe that these increases are not to balance the 1976 budget. They were the whole humble stems from the 1976 budget which was too big. And, I would just like to read one sentence from the Financial Secretary's Budget Speech. That, taken deficit of over one million dollars in a matter of some concern now in order to balance the budget new my additional revenue must be provided. Now, the deficit in the 76 Budget is nearly a carry over from '75, so if we did not overstep our bounds in 1975 we would have had a surplus and we wouldn't today be trying to find means to increase the revenue for 1976. The reason why we are here saying this amendment is because we feel like last year Government spent money like it was going out of style, and we don't want to see that happening this year because money won't go out of style.

In conclusion, Mr. Chairman to ask the Members again to support this bill which has been put forward and to change the figure from thirty-three and a third percent to twenty-five.

MR. V.G. JOHNSON: Mr. Chairman, I have already stated my position in the winding up, that I will support the Motion before this House. The Customs (Amendment) Law, 1976 and I would therefore not support the proposed motion by the Member from Bodden Town to amend Section 7. I would just like to state the calculation on the various Revenue items which are recommended here was done from sources other than the sources from which the Member got his information, and I can assure Members that the calculation, figures and other information were carefully examined. There is in those figures a built-in normal increase of perhaps ten percent provided for growth in 1976, but as is all the most revenue items under the recurrent revenues of Government.

Well, the Member mentioned a while ago that there would be an increase in the price of motor cars in 1976; well, all of this has been provided for in the revenue estimates for 1976 because normally we would provide ten to fifteen percent revenue growth depending on the state of the economy. This growth is caused from the

HON. V.C. STANDON (cont'd): increase in population, increase in activities and the growth of inflation and other things. So, the built in increases is already fixed in the revenue estimates. As far as the deficit in the budget is concerned it is alright to read one section of the budget address, it's a very long address, twenty-four pages and we have to read it altogether to understand the year 1975 and the year 1976. But, if Members will look at 1975 they will see that the estimate running revenue into 1976 is a figure slightly in excess of a hundred thousand dollars. The problem that has faced GWK is that there isn't a reserve balance coming forward and therefore it is necessary to find new revenue to supplement the short fall in the 1976 estimates. The total expenditure in 1976 is below the level of expenditure in 1975, therefore it is not a matter that the Government has gone all out to increase expenditure, it's a matter that the Government has shown its endeavour to keep expenditure at a very low level and is at the same time struggling to maintain a position.

I would therefore Mr. Chairman support the draft bill which is before the House, and I could not therefore support the motion by the Member from Seddon Town.

HON. A.G. PRICE: Mr. Chairman I suppose there's very little more to be said on this bill but I would just like to make a few points on it; for us to sit here and go through an exercise of changing the law for five percent on something like this I feel would be just a waste of time, because when one considers how expenditure has increased over the years since any increase was given to this particular item it is nothing short of appalling. Government today gets the least from a motor car brought into the Island, the mechanic gets three, four, five times as much; the insurance gets three or four times as much and everyone else that comes in contact with it to have to do any work at all on it gets equal amounts. So, I was no wonder our Members should feel so hard about Government receiving an additional sum of money which as was pointed out really isn't adequate to do the job which it is intended to do, but which will to some degree assist.

It is really surprising to know that Members will not disagree on paying extra money for a car from a Society, as was pointed out to us that some companies will be raising their rate by five hundred dollars; yet when Government is making an additional small additional to finance the services which these cars require when they come here, then I think that Members are quite unreasonable. I don't see how they can expect Government to continue providing the services for the cars which travel our roads, and raise no additional revenue in which to support it. I heard yesterday where did they expect Government would get money from? Government has no where, it can only levy some slight increases on the services which they are providing. And, I don't think it is at all unreasonable to ask for this small amount. Thirteen and a half percent increase for how many years? I think it's been acknowledged that it has been over a great number of years that we have enjoyed the twenty percent. I have always thought that it was somewhat unreasonable to charge twenty percent on a can of beans which was so essential to life, and to charge twenty percent also on a motor car which was such a dangerous thing to be run on our roads.

But anyway Mr. Chairman has been placed on the cost of roads, the cost to build roads and the money that has been wasted as has been said time and again on the roads. We don't disagree altogether that some money hasn't been wasted, but let me ask any member here if he has been or any job as he has had any job done for him that he didn't go moaning or other over money what he would consider wasted. You can go around to all the contractors and you can see people loafing around, because it is not the contractors people it is the people of the Cayman Islands that are the contractors, and this happens not only in Government circles but on every job basis.

HON. MR. ROSS (Cont'd): I would like also to bring to the attention of the Member who said about the lack of roads, he must also remember that the wages, the increase in wages which are being paid today are four, five, six times more than what they were in the years gone by. When a man received years ago for a day's work he's receiving more now for an hour's work, and this is the reason why there is more money required for roads and so doubt it will continue to increase each year, but we should have one satisfaction when we talk about our roads. And, as I've said yesterday that we have on the right hand to providing the good roads for the Island that we want, because we have our equipment and we have also regardless of what anyone may say and we have trained our own people to do this particular type of work and they have the experience now in order to carry this through. I think we should give praise where praise is deserved, criticism when it also is deserved, but I don't think that all that has been said about the condition of our roads is altogether to be blamed on the Department that is responsible for the roads here in our Island.

This small amount that has been asked for will assist it, it will not as has been pointed out by the Financial Secretary do the job but it will assist it along with something else. And, I believe that the people - again, I say the people of this Territory, the Members of this Assembly will be very much satisfied as the years go by and will be grateful to Government for taking the steps to provide the better roads, because they realize they will be saving a great deal for themselves and for all the people when they have the pleasure coming to run on that they won't have to have any maintenance on their cars that they've had formerly ago.

I say Mr. Chairman, it is a waste of time for us to come here to think about five persons or something like the registration of a motor car. We seem to think that this is a yearly, an annual recurring something. It is not, it is for the entire life of a car. You buy a car, and I think it is considered from five to seven years in the life of a car; it is not really too much to ask an additional thirteen and a third persons over a period of five to seven years. I say no, but it has all been thrown together and to me were confused with the other slight increases in the other services of the motor car. I think what we are talking about is thirteen and a third persons, and I myself don't see where the Member over can figure out a hundred and eighty dollars extra or it will cost anyone a hundred and eighty dollars for his motor car next year. There seems to be experts on the other side in percentages but altogether not in dollars. I would like to say, Mr. Chairman, that I hope that the Members now will realize that the thirty-three and a third persons is not as great as what they expect it is when they see what it is going to yield and what the cost will be to provide more services which everyone wants so much in the Island.

HON. W.W. ANDERSON: Can we have the vote on the section now Sir?

MR. CHAIRMAN: I put the question.

I think I'll allow one more speech before

MR. F.W. FAIRWEATHER: Mr. Chairman, first of all I would like to congratulate the Public Works on the great deal that they have done so far, I think they have done a magnificent job, but I can't agree with the Member when he says that it's a waste of time here for us to discuss such a matter. Because I feel that afterall, the public have a right to say why increase one item in motor car thirteen and a third percent; this isn't only for roads it's for other services as well. So you can't say what's being provided for the money vote or for the roads alone it's a general thing. And, as I've said before that I couldn't support the bill for a thirty-three and a third percent, but I'm prepared to support an increase of five percent, in otherwords I'm prepared to vote for the amendment that it should be twenty-five instead of thirty-three and a third percent.

MR. T.W. HARRINGTON: (CONT'D): Regardless of what the Members on the other side are saying about us wasting time; it isn't wasting time, we are here to represent the people. I am sorry that I'm not as vigorous as I used to be by yesterday I probably would take more time out to battle... I think, but this is my conscience and I'm sure that the people of this island will appreciate the fact that we got to have some increase but don't put it all on the motor tax, put it on something else. There's a lot of hidden taxation into this thing which we're not mentioning, we have taken all of that into consideration.

So, as I've said let us not say because this is the smallest taxes that we have in any country in the world - I realize this, I realize that in some countries why it's profit a hundred percent, but we are not to follow what the other people say. If we were to follow what many of these countries do we would be in just as bad shape as they are, and believe me it isn't good. I thank you.

MR. JAMES M. BODDEN: Mr. Chairman, I'd just like to remind the other side of the House that the price of justice is eternal vilgilance, and for a democracy to survive it must have a good opposition otherwise it is not a democracy. (Members: hear, hear.)

MR. CRADDOCK BANKS: Mr. Chairman, just one last comment. It is true to give unto Caesar the things that are Caesar's and unto God the things that are God; and I can agree with the first Elected Member on Executive Council when he says in every business or construction or department there is a certain amount of waste, I can agree. What seemingly is one hour's work was once, as a day was once a day, I can agree with that too because I know when I worked, to help put Frank Sound road across for twenty-five cents a day, and I'll like to know what number in Public Works that is working now for twenty-five cents an hour, not twenty-five cents a day. When they are getting the pay that they're getting and working not the hours when our salary is being wasted, and as to the contractor our people letting and loafing is quite true, but I think that's why the population should not be left in on all contracts so when it's being negotiated he can see the cost went up.

I thank you Mr. Chairman.

MR. CHAIRMAN: I shall put the amendment that has been moved by Mr. Big Roddy and seconded by Mr. James Bodden.

"Be it enacted that Sch. 20 of the first schedule be amended by deleting items 20.04 and 20.05 and substituting -

20.04	motor cycles	20%
20.05	other mechanically propelled vehicles	25%
20.06	pedal cycles	20% ".

In otherwords there is only one figure amendment add to the section of clause 7 of the Bill as in front of us.

QUESTION PUT ON PROPOSED MOTION: THE AYES HAVE IT.

MR. JAMES M. BODDEN: Could we have a division duly

DIVISION

AYES	NOES
Hon. D.V. Watler	Mr. T.W. Farrington
Hon. G.E. Haddington	Miss Annie M. Taylor
Hon. W.G. Johnson	Mr. Claude M. Ebanks
Hon. A.B. Tibbetts	Mr. James M. Bodden
Hon. B.C. Ebanks	Mr. G. Haig Bodden
Hon. M.H. Conolly	Mr. Craddock Banks
Mr. John D. Jefferson	

7 6

MR. CHAIRMAN: The results of the division are Ayes seven votes, Noes six votes and therefore the motion is carried.

MR. JAMES N. JOHNSON: We're moving along though, Sir.

QUESTION PUT: AGREED. CLAUSE 7 WAS PASSED WITHOUT AMENDMENT

CLERK: A LAW TO AMEND THE CUSTOMS LAW, 1971

QUESTION PUT: AGREED. Clerk please.

MR. CHAIRMAN: That concludes proceedings in committee on the Customs (Amendment) Bill, 1975.

HOUSE RESUMED

REPORT RECEIVED

BY HON. V.G. JOHNSON

THIRD READING

ENTRY: THE CUSTOMS (AMENDMENT) BILL, 1975

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. E.V. WALKER

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

MR. PRESIDENT: I think this will be a suitable time to suspend and we'll resume proceedings at 3:00 p.m. this afternoon.

HOUSE RESUMED

REPORT RECEIVED

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975 FIRST READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. E.V. WALKER

QUESTION PUT: AGREED. BILL READ A FIRST TIME.

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1975 SECOND READING

HON. V.G. JOHNSON: Mr. President, I beg to move the second reading of a Bill entitled "The Trade and Business Licensing (Amendment) Bill, 1975.

Mr. President and Honourable Members, the reclassification of objects and persons in accordance with the Schedule to the Trades and Business Licensing Law, in an endeavour to increase revenue collectable under this Law, it was decided to equitably and very fair scale of fees for Trades and Businesses licensed under this Law. Members will see that the reclassification has been done and that quite a number of sub-heads have been recommended with fees under each item.

As I've mentioned in the Budget Address one of the items that gave some thought was that of retailers. It is an item which could've included from a very small businesses to a very large supermarket, and it was considered advisable to charge the same fee for the same group of businesses so it has been recommended to put various categories under three categories of retailers divided according to the

HON. V.G. MORROW (CONT'D): building area of the business. Those up to one hundred square feet, those up to two thousand square feet and those over two thousand square feet.

The details of the reclassification have been set out in the new schedule to the amendment law which is now before the House, and Members are requested to examine these and to accept the recommendations as put forward. No doubt there could be question of whether the increases under these various items are reasonable in proportion; but again the whole question of increase in revenue on the new measures that have been put forward here have been considered very carefully in many instances and the recommendations that have been put forward here are considered reasonable. The last amendment to these laws was done in 1971 when the Stamp Law came into effect: to the best of my memory recalls very well the charges then were not very significant as the laws in operation before that date.

Members will also note, that because of the scheduling of the Iron Rotarier — and most of the businesses in the smaller islands, Cayman Brac and Little Cayman would come under that item that the duty payable in the Income Calendar which now is at present twenty-five percent of the duty payable in Grand Cayman, has now been revised to fifty percent of the fee intended; this is also considered reasonable especially from the fact that all the districts of Grand Cayman are paying the full fee as set out in the schedule of the Law.

Mr. President and Honourable Members, I would ask Members to give their kind consideration to these proposals. The amount of revenue which this is presumed to produce will assist Government's short fall in some extent, it is part of the package of new measures and it would be very disappointing if Members did not support it. And, so I would ask Members to give their kind consideration to the bill.

Thank you.

SPEAKER: HON. D.V. MYLES.

QUESTION PROPOSED: DEBATE ENSUED.

MR. O. PAIG McKEEVY: Mr. President and Honourable Members, as I will probably be giving the kindest consideration to this bill, I feel that I ought to speak first. As I've mentioned yesterday, I am against taxation in any form during a period of recession. As stated yesterday Governments do not impose additional burdens on businesses that are suffering financially, as we are to go back to our fiscal experts whether the United Nations Advisors or what not and tell them that good common sense principles that when you increase taxes you have to deflate the economy by taking our money which the businessmen could use in other ways.

This bill might be worthy of consideration if the increases were not exorbitant. With a very few exceptions the increases — in fact all the increases seem to be one hundred percent and up, there are one or two items in which there is no increase it seems that that increase is a minimum of one hundred percent up to as much as twelve hundred percent. I know it's talking in percentages again, and they say that percentages in this Assembly have no relation to dollars, but it is because it is such a ridiculous increase the Members have might fit to say that the percentages don't matter, but they do matter because our businesses have been paying certain fees. The people who pay these fees we have become accustomed to paying these fees, they ask — pay those fees as the just and rightful price they have to pay for operating a business. And, accordingly the business places have budgeted for these fees, and while the businessmen can tolerate some increases he cannot tolerate increases of this nature. If this bill were asking for a modest increase of twenty-five percent or fifty percent I could have some support for it, but when it comes out in a brutal fashion and uses the ability, use of Government to step

MR. G. HILL SMITH: (CONT'D): increases of a hundred percent to twelve hundred percent I feel that it is more unfair to the business men. I would say that if the business men in this Island had run their businesses the way Government has its business as from 1972 they would all be bankrupt, because they cannot by the stroke of a pen increase their revenues. So, all Government need to do is to think up ways of spending money and then go ahead of having the public pay for it.

The worst part of this entire amendment is the part dealing with the Lesser Islands and perhaps this bill is being put forward at a very good time when the Members from the Lesser Islands are both absent. If they were present I know I would be told as I have been told in this Chamber to keep my mouth out of Brayan Bear's business, but they are not here to tell me that today and I will certainly take advantage. But, what bothers me is how can Government do this to the Lesser Islands and present the Budget Speech that was delivered yesterday. I read on page fourteen, the smaller Islands of Cayman Brac and Little Cayman are still struggling to induce initiative to stimulate the economy. Now, is this the way we are helping these people who are struggling to stimulate their economy by slapping on these severe taxation, and it is severe when all the Trades and Business Licences are increased by a hundred percent.

In the Lesser Islands they had been paying twenty-five percent of what we were paying for their trades and business licences we are now asking them to pay fifty percent of what we are paying, and twenty-five to fifty represents hundred percent. I know I'll undoubtedly be called upon to explain this latter, but I think I can do so. So this is wrong. Government on one hand realizes the problems in the Lesser Islands Government realizes that they are struggling to stimulate their economy, yet Government does its best to make the economy worse.

Another gripe I have against the Trader and Businesses Law is that it is not really a Trade and Business Law, it gives absolutely no protection to the businessmen which operates. I was not a Member of the House when this Bill was instituted but it is my understanding that at the time this Law was introduced it was for the primary purpose of regulating certain trade and businesses here, but the law has been abused, is has been misused to earn revenue disregarding the protection given to the traders and the business men under this Law. Not to prove that I'm not talking out of my hat I have in the front of me a letter which if you care to see, Mr. Speaker, I can let you have, this letter was sent sometime ago to the Cayman Protection Board by a certain business firm in this Island, and a copy of it was sent to me. I used to be like the Lady Member from Cayman that able to believe information without seeing it, and one of the reasons I is that I have earned the public trust and people have confidence in me and so they often send me worthwhile information which is not available to every Tom, Dick and Harry. And, this letter says, I was requested to learn that a certain gentleman, whose name is mentioned here is paying his annual visit to these Islands for the purpose of soliciting life insurance business, to my knowledge he does not possess a (inint) soliciting license and I would appreciate your investigation of the matter. Mr. Mr and so's methods of doing business are not what would be described as ethical, and the market here is already well serviced by reputable people, I feel that we can do without his presence. I didn't asked anybody for this letter, it was sent to me, but what is this business firm paying to the Cayman Protection Board? Here is somebody coming in snooping up some money, getting out of the country, harming the economy, operating without the right way to operate, not paying any fees.

And, if our Trades and Businesses Licences Board or Bureau I supposed it is called by now, if that were doing its function and if the Cayman Protection Board was also doing its function the Trades and Business in this Island would be glad to pay increases/revisions, but, how can they be called upon to pay increases from which they receive nothing is returned, just arrogant Bureaus overstepping with the force of its collection

MR. G. HAYS McKOY (CONT'D): responsibility given to it under its new constitution can enforce any action that Government wants to put forward. I know that under our extensive responsibility role we fall short of one vote, but this morning's exercise was a clear indication that an extension can always be guaranteed when needed, and the Government have had a very successful Government and a guaranteed majority vote to carry forward every Bill and Levy that is introduced into this House.

Now, for every action there is a reaction, whenever you do something scientific, this happens. In Government looking at the reaction from the taxes they have been imposing, ever since Executive Council met on that fatal day in October 1976, now they looking around to find out what will be the additional taxes and stifling impediments that might already be on the verge of bankruptcy. One great writer said, 'you take my life when you take the means that does sustain my life'. This Law is going to have some bad effects on the very one I mentioned now, Despite what you may have gathered from the statement made by the Member who introduced the Bill, and despite what you may have said in the Budget Speech about being unfair to the small retailer, the fact is that a small retailer's fees altogether under this Bill. Although special provision is made for some of the bigger businesses to pay more, which I think is just and equitable, however, how small man is going to be hurt because in a majority of the cases the small man cannot live from one business alone but knows that if he has four businesses he has to pay four different fees. We have some businesses men who are, two small to specialize in one business, we have the small business man who cannot generate enough volume to make a livelihood from two businesses, and so this man has to go out and put himself involve in a number of little businesses, and this is the man that is really going to hurt the effect of the amendment I mentioned mentioned under this law.

Now, I do not want to go down item by item on this Bill, it is sufficient to say that the increases are too much all down the line. In number 7 I see that we have increased the fees for a real estate agent by one hundred percent, this alarms me, not because my colleague from Bolden Town is a real estate agent but because the real estate business is suffering badly, not only because of the outside recession but because of the actions of our Government. It is my firm belief that the introduction of the Development Plan has a done a great deal to slow down the real estate business in this Island, when the actions of the planning authorities have done a lot to slow down the real estate business. If my colleague from Bolden Town wants to tell you about how much money he has lost this year in his business he can do so: I have the figures but I will not make them available, but I talked to other real estate agents and one of them gave me permission to quote his name and his figures. I will not quote him name but I will tell you that during the year 1979 up to the end of October this man has received four thousand dollars in commission, he had spent on his business fifteen thousand dollars having lost eleven thousand dollars or more than one thousand dollars per month. Now, I know how far figures like I have drawn out of a hat there are like the figures I produced on the automobiles came from outdoors, some of them came from confidential contracts of the Government of the Cayman Islands and other Government sources, and they were not believed. I hardly expect them Members to believe these figures when they see them, but what I'm telling you Mr. President is the truth, the real estate businessman has suffered this year and Government is responsible; and although it has suffered so badly we have the gall to double their fees payable to Government. I don't know what Government is at, I believe it is trying to have a total rollupon.

To the matter of the retail business it seems to be right to have a reclassification and to set up different categories, and I must say that on this area Government seems to have done a pretty good job as far as the classification is concerned, and they have divided the businesses into eight types, those operating in places under six

MR. H. NEIL BOBBITT (Continued): hundred square feet which would be like the little corner grocery store, those with businesses up to one thousand square feet, but over six hundred, and those above two thousand square feet. But, I don't know if they've done the right thing in the setting of the fees because a retailer who heretofore had only paid twenty-five dollars is now asked to pay three hundred, an increase of twelve hundred percent, and if you believe that any merchant is going to sit down and take that you're crazy, that is going to be passed on to the customer. When I received that bill I was alarmed at the figures shown to it, and I wondered where on Heaven's green had these figures come from, but I was more perturbed when I went the old law and compared it and saw the extravagant increases made here, every single item that is increased has gone by at least a hundred percent. So, when I hear from Executive Council that percentages don't mean anything it's dollars that mean I can understand their been feeling because this could not have been done on a dollar basis to arrive at such an even figure, it had to be done on a percentage basis.

I have no support at all for this bill, although I've been very kind to it, I shouldn't've said some bad things about it. We spend an entire day including yesterday and this morning trying to reduce the very high figure set for import duties on motor vehicles and it was of no avail. I imagine my time here will suffer the same fate but I feel it is my duty to speak out when I see our people being asked to pay, because the budget has been arranged with a deficit of over one million dollars. There are two ways to balance a budget, one is to cut their expenses, the other is to increase your taxes. Andy, when I say cut expenses I'm thinking always contracting wages as well as not embarking upon simple projects. When we come to the Budget Speech I will enumerate some of the things we have gotten ourselves involved in which we could have done without for another five years. We have surrounded ourselves with experts until you don't know who is advising who or what is being advised about. We have employed all time staff for services which may never come into operation and our people is asked to pay the price. I say it is wrong and I will not support this bill.

Thank you.

MISS AGNES E. MCDUFF: Mr. President and Members of this House, I must reiterate that our Government has no find money, it has plunged itself. I would say now all unnecessary, most of it is unnecessary. We must have a Government functioning properly providing services for our people and I'm old enough to know that anything that's worth anything costs money; the only thing I know free in this island are the breadfruits which grow wild.

Now, Mr. President I must say again I was on the Fiscal Committee, I realized that we must have money but what I'm saying in this, Government must start to curtail expenses. We have too many people doing experts and kind of that must stop. Now, going over this I see that some of it I know may be a bit exorbitant, but some sections of it - for instance the architect, engineer or surveyor; anybody who has ever had any dealing with most of these surveyors, I'm not saying all they will look like their feet are out of this world. It's a shame because one wonder there is some competition, but prior to I would say like to see get surveyors to survey over land you could progress for at least to pay one to two thousand dollars, and then if you owe three a few dollars there was no rest nor peace till you found that money to pay. Now, these architects, engineers or surveyors two hundred dollars, I do not think that is exorbitant at all. This accountant, including auditors, bookkeepers and some assistant two hundred dollars; the majority of business making so much money that that is only a drop in the bucket. The agent including airline, shipping or travel, advertising agent or consultants, any other professional there not mentioned two hundred dollars; the auctioneer, I don't know if anybody around here happens to be an auctioneer. The banker and

MISS ANNIE K. BODDEN (CAYMAN): real estate agent. I would say that is a reputation because a broker being a person who for a commission or other reward negotiates contracts between other brokers or principals and includes a commission agent and former two hundred dollars. Then we go, ship insurance which applies to my mind fixed less two hundred dollars, then real estate agent being a person who as principal or agent deals or offers to deal in real estate two hundred dollars. I am saying that broker and that real estate agent one or the other should be out out, because it appears to me from that one in business would have to pay four hundred dollars.

Now, Mr. Baker, I will respectfully say this, I don't know too much about all these bakers but I know one particular baker pays one hundred dollars to do business. Now, the barber nobody is putting their hair now so they won't get any money from that. (Members laughter) Building and engineering trade, one hundred dollars; beautician they would get the hundred dollars, job printers, launderers, retailers and so on and so on down. I will say, Mr. President, that while I know some of the appeals to be exuberant, nevertheless I must repeat that all are surely shared the benefits of Government disbursing out money. And, I will not oppose this bill, if there is any application I will have to say it should be corrected. One thing at the back here that I am very annoyed that is only fifty dollars and that is the utility services if it includes Caribbean Utilities Company, that should be five hundred dollars if it includes them because their rates are exorbitant, and it appears that Government has no control over this service. Some-time ago my electricity bill was twenty-five dollars per month, recently it has been up to fifty and I use very little of electricity because I'm not one of these sophisticated ladies that must get an electric cutter or electric this or electric the other thing, I live as simple as I possibly can and I feel that if I have to pay fifty dollars a month for the few facilities that I have these bodies which are set up like British men-of-wars must have to pay over five hundred, and I feel that this is too little.

Now, speaking of Government's waste of money, I must endorse that up to a point but we have to carry on as the Government. We do not want it to be said that we twelve here have plunged this Government into bankruptcy, nor do we want it to be said that we are harassing the people to the extent where they will run into bankruptcy, we want to wean off things as much as possible. And, I feel, Mr. President, that we as sensible people must try to control things where we do not hurt the Government and we do not hurt the people. I would say, Sir, that this collective responsibility I do not agree with it, and as the honourable I think he is the second Member from West Bay said once, that if he did not know me as a lady who owns her tongue and was instead of I beg in what he would do certain things. Well, I'm saying that at one time that I must have used my tongue and not my brain if I had read that collective responsibility would exclude those four Members to the place where they have to vote and make a seven vote instead of a four.

Now, I do not wanna with this collective responsibility at all, I feel that if our Members who we put there, they feel that they are right I would stand in that Chamber till the judgement morning dawned but I couldn't be persuaded otherwise, but I'm afraid that's not what is happening now. And, while I know they are right in some instances they are not always right, and they should not suffer us as in on the other side. We are not on any other side, we are on the Government's side and Government is right, even against Government when it is wrong I accept and I will not accept that we are just on the other side as we are elected, we are just as responsible for the people of the Cayman Islands, and more so than the elected Members. And, I will say Mr. President, I am not opposing this bill in total however I might say we need less money but I will oppose any duplication of any particular department even if it's

MISS ANNIE M. MORTON: (cont'd): ... least for a person for instant I would never agree that a real estate agent should pay four hundred dollars per year.

I've seen a written notice on the Post office the other day, "Tax kill tycoon". Well, I'm not saying it has exactly killed it but I know it has killed the real estate business up to a point. I will support this, Sir, because I know we need money and somebody has to pay for it, and the General public they get a lot of benefits from Government, we have the schools there as they say second to none but it doesn't cost the parents one penny except maybe to buy books, and those who get something should help us bear the burden. Now, I don't get any benefits from the woods personally, unfortunately I have to for anybody to go but I get benefits when I can ride in my car on this dirt road as it is called, and it takes money. So, to assist Government to get this road finished and disappear all the pot holes I will agree to this, but I have gotten to a point that when we go into the Finance Committee I am going to oppose a lot of things to cut down some of this expenditure because I'm very sure these tax measures will not be sufficient to have an even budget. I am saying both sides must co-operate, Government must cut down expenditures and the people must try to raise some money to help them.

Thank you Sir.

MR. CLARENCE M. ITTE: Mr. President and Honourable Members, I have listened with great interest to what Members who have spoken before have said. I see here we have another Bill seeking taxation, the Sales of Tobacco and Gasoline Financing (Amendment) Bill, 1979. It is very hard for Government to increase taxation on businesses that we see very hard put with already. It is quite true that taxes must be had, money must be had to operate Government: it's the saying which says "money makes the mail run", and I'm sure that this Bill before us here - I do not care to go down job by job as it quoted on different items, and what percentage is here by given to each or taken from each individual or any persons is something that is very puzzling. I do not feel that everything that is put into this should be administered word for word as placed in this Bill.

As the said Official Member referred to a question; I'm placing it in three categories (a), (b) and (c). I see where (a) up to six hundred square feet selling area, fifty dollars; (b) to two thousand square feet selling area, one hundred and fifty dollars; (c) over two thousand square feet selling area, three hundred dollars. I'm afraid in a way the ways and means to make the increase of taxation - the only thing I can see is that the consumer will be the one who it will reflect on, and if a law was put there the salesmen would have a control on goods and control on the selling prices. Then I could see where the cheaper goods may be affected. This is a very touching issue; I am in favour very much of Government taxing the tax and I feel that if the deficit on the Financial Budget Address gave us figures - if this is not done we will be short of maybe about one million dollars. If this is what we're going to do to be getting that money I can't see where the consumer will have any protection; the retailer having a protection and what would be be retailing.

I thank you Sir.

MR. JAMES H. BODDEN: Mr. President it seems today like the other side we really wonder their point because they're getting up between them and they're having the last, so they've wanting us but we'll sell for the best.

Mr. President, I too stand in opposition to this Bill and I stand in opposition because we are dealing with a Bill that will give increases in revenue of up to twelve hundred percent. I agree, that might be in isolated cases but we are looking at increases of one hundred percent, four per cent and twelve hundred percent, and in a recession year this is too much of an increase, this alone will tend to be inflationary for the next year. I wonder very much about

MR. JOHN M. BODDEN-MCCOY'D: this increase this past year has been a downward trend in trade licences issued of approximately twenty percent, work permits are down thirty percent. So, looking at it the way to get this money back is to triple the fees instead of trying to wonder what has happened that things are down. It can only mean one thing,Mr. President,and that is that the business community is suffering, it is suffering because there is inflation, there is a world wide recession but I submit to this honourable house that the main reason that businesses in Grand Cayman are suffering is because of Government's lackadaisical support.

I submit further that it is because of so many of the new laws that we have implemented in the past four to five years, that the foreign investor is beginning to lose an interest in coming with a business now. This happens because,Mr. President,he begins to lose faith, and anyone that will stand in this Chamber or stand in any place and tell you or tell us that this Island's economy can grow and can continue with just the little bit of local investments that person needs their head examined. We need foreign investment and we're not going to get foreign investment when we do some of the things that we're doing. We are competing with many other tax havens in the world, we must be very, very careful in some of the things we do here. I argue that,Mr. President, because again some of the increases have come by way of regulations under the usual form of omnibus legislation. I am of the opinion that the true reasons behind this particular law was just a few days ago, this law was brought in here supposedly to protect the rights of business people. I believe instead of that it is strictly and has been strictly a revenue matter. It would be easy,Mr. President,to come into this Assembly and agree with everything, that is the very approach maybe we could agree to it if in our opinion money was/so basically spent.

We must realize one thing Mr. President and that is this, when we come in here and debate a bill that is the last church that we have to do anything with it, because once it goes out of our hands from here then we are told we have nothing more to do with it; you cannot see the contracts, you cannot question how we spend this money, you have no right to do it. Well, this is our democratic right and we're using it stand on it and we're going to question, we will never stop questioning until we know the truth. Maybe if Government would show its hand some of these things are fair to know, then we would know the reason why you need this additional money and it might be easy for us to find the compassion in our hearts to agree with it, but as long as it stands the way it is now there must be a division, there must be an opposition because without this no country will ever survive.

One thing that strikes me in this particular bill Mr. President is the fact that we do have up to twelve hundred percent increase, in just about every one; even in this instance with the little turtle industry down there fixing somebody's glass hair as a hairdresser, everything is covered. We are asking the bulk terminals for a thousand dollars under this Bill, yet the most profitable business in this country is not taxed on that, why is that Mr. President? Is that because of professional engagement? Why is not Caribbean Utilities on this for a licence fee? I don't mind paying my fee, and I guess the other people will have to pay theirs but let them pay theirs also. If not,Mr. President,in the near future we will have to bring a motion to this House asking for new directors to be appointed on the board of Caribbean Utilities from this House; and as I owned forty shares of stock I would not be eligible Sir, as I'm not looking for the job. But, Mr. President there are some of the reasons that we object, give us fair and equitable treatment. I will agree today as much as I would hate to do it to everyone of these increases if it would take the power of this motion once back to a few minutes and say, we made a mistake and we forgot Caribbean Utilities and the fee for them is ten dollars.

Thank you Sir.

HON. BENSON O. BANKS: Mr. President, I was hoping that when the first speaker from the other side spoke on this bill that he would've had the sake of the records corrected on erroneous figure that he gave this morning, that is on the increase over of a '67 model car being five hundred dollars. During break time he told me he had got that in ----------

MR. G. VAN BOUDEN: Mr. President, my figures didn't come from time magazine.

HON. BENSON O. BANKS: I agree, that is the point I'm making - you should rely on the reliable publications, the figure is one hundred dollars. And, I am also a bit surprised that two of the speakers have indicated that this bill was never intended as a revenue bill, so I can understand why the speakers are at a loss to understand the amendment proposed to the Trade and Business Licensing law. And, I'll read from the memorandum of objects and reasons for the Trade and Business Licensing Law, 1971 to prove my point. This law repeals/licences on Trades and Business Law, 1965 the main object of which was to protect the existing businesses. The Caymanian Protection Board under the Caymanian Protection Law has complete control of the issue of gainful occupation licences which are required by persons/of Caymanian status before they can operate in these Islands, and the issue of such gainful occupation licences is an expression of discretion by the Board to grant the licencee an equivalent trade or business licence. Persons of Caymanian status are automatically granted a trade or business licence on application provided, of course, in both cases the applicant conforms to the other requirements of the law. Protection of Caymanian businesses or traders from persons of non-Caymanian status is now therefore adequately safeguarded under the Caymanian Protection Law, and the function of the Trade and Business Licensing Law is to raise a certain amount of revenue and in relevant cases to exercise legal control over premises. So, the object of the Trade and Business Licensing Law of 1971 was always the intention of raising revenue; the protection to businesses is under the Cayman Protection Law.

Now, again Mr. President we have heard a lot about percentages, percentage increases, and the hundred percent business that's not even so bad this time it's the twelve hundred one that's being used a lot. Now, that is in the case of the retailer who prior to this regardless of size got away with twenty-five dollars; that included large supermarkets and there is no way that one could argue that it was equitable and just for the man on the corner with a little store, sometimes they sell out of a room in the house to be paying the same as a large super-market. And, consequently an effort has been made to change the supermarket a fee that is commensurate with what his turnover is/ on this increase/ that they get the bulk of the business and I don't think/when they're asked to pay three hundred dollars a year for a licence that anybody can say it is ridiculous. And this is how the twelve hundred percent comes about.

The small retailer is asked to pay fifty dollars a year and this seems equitable the other charges other than bulk type organization are all in the region of one and two hundred dollars, and they are in all instances fees that can well - as businesses that in a normal sense should well be able to pay it. Accountants, architects, engineers or surveyors, auctioneers, brokers, real estate agent and the lot, there is nothing in this to me - the difference which of course is not an individual, the barber again twenty-five dollars - it's a trade. I don't see where it is going to kill anyone, and Mr. President, I must touch on the matter of Trade and Business Licenses and work permits, the reduction in those, the falling off of foreign investments. I don't believe that it should be any news to anyone that we like everywhere else are suffering a down turn in our employment situation but we are comparatively fortunate as compared to others.

I recall reading - one Member this morning made mention of the city of New York, and there are others/even states, that were considering well not are making the financial year with a deficit

HON. T.O. TEMPLE (CONT'D). or a reduced number of construction jobs by thousands and abandoning projects and stores. We have been lucky, and I am confident that with the upturn of the economy world wide we will soon see an upturn of the economy locally. In fact the tourist trade for the season already looks good, hotels are registering good bookings; just coming on my way to lunch I gave a chap from my district who works at a hotel a lift and I said to him, "How is business at the hotel?", he said, "It's unbelievable. I have never seen the travel fall this time of the year before, we're turning away business". So, in that area at least it appears that we are well on the way to recouping the loss over 1974, and I am presuming that all being well, naturally what I'm saying has to be subject to conditions which are beyond the control - our control here in Cayman, but giving that the North American recovery continues and nothing dramatic happens world wide I feel that in the new year we will be well on the way to recovery. These fees as I've said are not exorbitant; I am in addition to my position with collective responsibility in Government some type of a merchant. I don't know exactly which one of those I will fall in here, and I'll have to say at least a second license I know, but I certainly wouldn't like to have to sit down and say to find out how to pass this slight increase on out here to the consuming public. I believe that businesses and others operating in the Cayman Islands are grateful, happy that they can operate at such low overhead when it comes to Government fees; and I believe too that they realize their obligations, I believe that they realize that the services which Government is providing have to be paid for, and I don't think that they are going to grumble about paying a hundred dollars, two-five dollars, two hundred dollars or as I've said in the case of the supermarket three hundred dollars, and in the case of the bulk fuel tanker maybe a thousand dollars. Outside people I'm sure, Mr. President, are going to be happy to pay these fees and they can't - they will not result in any increased cost to the people. I believe that some of the companies doing or of the outfits doing business here sometimes feels guilty about the small contribution to the expenditure of Government. So I believe they will take this in the spirit with which it is intended, purely to help raise some small measure of revenue for the services which Government is providing.

And, it appears, Mr. President, that Government is going to be called on to provide more and more services because, for example in the field of education here you have instead of increased fees at some of the private schools Government have had to cater for a lot more children than was anticipated; fortunately we were able to do so, and hopefully we can continue to do so. But, there are the kind of things that make us realize that we must put revenue measures forward that will keep Government in money, and as I've said before this is money, it's the people's money that pays for the services which the people enjoys. I'm not saying that everything is running as smooth y as it should but I believe that in comparison this Government can stand analysis with any or compare with any and come out on the right side of the ledger. And, with those few remarks, Mr. President, I support this bill.

MR. RICHARD D. PITTERSON: Mr. President, at any stage I did not intend to speak on the Trade and Business Licensing Amendment Law but I think that I'll better make a little contribution. I think what we think we've said again in terms of what has been promised and in terms of what the private sector we find business and expenses rising on their side, I'm sure that no member of this Government would want to see Government's side of it wouldn't also be wanting. I believe, Mr. President, that the amount asked for here I think it is reasonable, I am sure, sometimes to think that it is human nature to believe that Government gives everybody everything and thereafter if I am working for Government or if I have a contract with Government or if I have something to do with Government I'm going to clean them as much because their funds are inexhaustible; nothing is further from the truth than that. I put in mind a couple of years ago when the United States Government over thirty years their dollar had not been devalued but all of a sudden United States dollar was tumbling down.

MR. JOHN D. MCTAGGART (Jr.): Mr. President, today we are living in a world where there is continued escalation we find everywhere we turn is increase: wages, living and every side we look there are increases, and I don't know sensibly how we can provide the services that we are called upon to provide, and that we are providing without some measure of revenue being derived from it. As I've said we have had it very good in these Islands, we have had for the first time this year since the economy moved into high gears for the first time this year we've had an unemployment problem. Now Mr. President that's nothing new, as far as we look around every other part of the world today everybody is having the same problem. In the Cayman Islands we do not control the world events, unfortunately we are moulded by them, we have no control over many of these things. But, I feel that when we put forward a bill like this, I don't think we have anything to be ashamed of, I think it is reasonable and I support it wholeheartedly.

Thank you very much.

THE HON. V.G. JOHNSON: Mr. President and Honourable Members, I want to thank Members again for their support of this Bill, but unfortunately my two friends from Bodden Town did not see fit to support the bill but I could see they were battling against their conscience and for that reason I know that even if they lose the battle they will be quite satisfied with the results.

A Member spoke of the severe taxation which was being imposed on the Sister Islands. I would like Honourable Members to know that the Member for Cayman Brac who is a Member of Executive Council is quite aware of all the proposals which have been put forward on this occasion, he is aware of the proposals under the Trade and Business Licensing (Amendment) Law he agreed with these. I am also aware that if the other Honourable Member who is unfortunately ill at this time was present that he would no doubt give his support to the bill as well, so I do not think we have to stay that amount of controversy as far as the Sister Islands are concerned. I do not think, Mr. President, that I need to speak very much longer on the bill because the Government Member who spoke a while ago covered a good many points, except for two one thing, someone mentioned that Caribbean Utility was not listed here, but Caribbean Utility is operating under a special franchise from this Government and under the provision of the franchise a fee is payable separate and apart, and therefore a fee cannot be levied under this or any other law, therefore it would not be reasonable to impose another fee under this or any other law against Caribbean Utilities.

Mr. President, I would therefore ask Members to finally support this bill. I doubt very much that it will affect Caledonian as some has said, these laws have not been revised since 1971 and I am sure that as much as Members played on the twelve hundred percent increase that they were explained in detail a while ago. It applies only to one area in the retail business and this applies to large supermarkets, and I'm sure that all will agree that it is reasonable and equitable to tax large supermarkets to that extent. With that, Mr. President, I recommend this bill.

QUESTION PUT: AGREED, BILL READ A SECOND TIME.

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. KOHLER

QUESTION PUT: AGREED

BILL AS COMMITTEE

CLERK: CLAUSE 1: SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: AMENDMENT 21 RAW 25 OF 1971 AMENDED.

QUESTION PUT.

MR. G. CRAIG BIDDEN: Mr. Chairman, I have put in a few amendments to some of the different items. I'd wondering how you want to deal with this; will .....

MR. CHAIRMAN: I suggest that we take the schedule which is attached by clause 7 under the categories Trade, Business, Trades and Technical etc. and if Members have any amendments to propose it they would take them in order. So, we'll start with the first category, "Trade and Business".

If there are no amendments to propose to that, we'll proceed on to Trades and Technical. I think amendments are open for items 1,3,4,11,13, and 12.

MR. G. CRAIG BIDDEN: Mr. Chairman, the proposed amendment under Trades and Technical is to make the fees for bakers $50.00 instead of a hundred dollars. Now, I know the situation here is that we have one very big bakery that can well afford to pay a hundred dollars, however we have a few small bakeries that are perhaps fighting for survival and I think in fairness to them we should only increase the fee from the original twenty five dollar to fifty. In other words the proposed amendment should be changed from a hundred to fifty.

MR. CHAIRMAN: I suggest we vote on these one at a time so that we don't mixed the issues. Is there any debate on this proposal?

MISS ZANA M. MCKNIGHT: Mr. Chairman, I do not know if there is any way we could be arranged in categories, because while I agree that some are very small there are others who could easily pay the one hundred dollars. I don't know if that could be arranged in categories. The smaller ones pay just fifty dollars and the larger ones paying the one hundred.

MR. JOHN D. JEFFERSON: Mr. Chairman, I don't see any objection to that. I don't see any objection at that at all.

MR. G. CRAIG BIDDEN: Mr. Chairman, I would think that the fire hazards square foot rule as applies to retailers could also come into bakeries if you have a bakery where the space is, say less than six hundred square feet you could charge a certain fee and have different categories according to the space area in your two retail businesses.

MR. JOHN D. JEFFERSON: Mr. Chairman, that wouldn't hold water either, because like a man, I follow today just had a pastry shop and I've never seen a pastry shop yet that was a very large place. But you take a good pastry shop and then George'll be selling. So, I don't see where the size makes that much difference because a pastry shop is usually very small.

MR. G. CRAIG BIDDEN: Of course Mr. Chairman, if that argument is true what would happen to the retail pizzas? You can have a little a corner selling expensive soy candies and groceries and it might not be more than a hundred square feet, yet we're only fixed that for retail businesses. So, if it is good enough for that it is good enough for the bakeries, or right now is not but in this the retail groceries isn't any good or if it is good it could be used for bakeries and those businesses as well. If the rule holds good for a retailer it should go for you too before.

HON. BERTON O. SPARKS: I wonder if he is aware that this doesn't apply to an individual, the same thing would apply to a corporation you get small and big ones .....

MR. G. CRAIG BIDDEN: Exactly.

HON. [illegible] (CONTD): ...and then you'll get into all kind of trouble to my mind mixing it up this kind of a way. I think if it's worthwhile doing business at all it's worthwhile paying the fee for it under two different categories, that is how I would feel about it.

MR. CHAIRMAN: I think I'll put it to the vote now. I think I'll ask you to vote on item 1 "Never" that a section of this clause should be deleted.

QUESTION PUT: AGREED. THEN DETERMINED.

MR. CHAIRMAN: That is.

MR. G. [illegible]: Mr. Chairman, under item 3 we're dealing with the very hard hit trade. The construction business and here we have people carrying on this business of a mason, carpenter, painter, plasterer, cabinet and so on; and these people are asked to pay very high fees. What we have to remember is that, say the mason and the carpenter actually employed, you know he gets a day's work today and he might see another one this week, that is happening right now and this is most unfair to put it from twenty-five dollars to a hundred dollars and therefore I seek to have it cut down from a hundred to fifty.

HON. [illegible]: Mr. Chairman, I wonder if the Member is aware that this does not apply to the individual carpenter or plasterer or electrician, this applies to someone who carries on an organized business and employs other people.

MR. [illegible]: Yes, well the rule is still the same if the contracting tradesman is suffering now because your planning authorities won't issue enough permits. The employer must be suffering just as well as the individual employee.

MR. [illegible]: Well, a hundred dollars is not a ridiculous ....

MR. C. [illegible]: No, it's not much, it's only four times what it was. (Laughter)

HON. W.N. [illegible]: Mr. Chairman, if one looks after it and does probably what a person in that capacity would earn, not less than twenty-five dollars per day. Now, if he is asked to pay eight dollars a month this is just about one third of his day's pay, I mean the minimum that he is asked to pay in a month so I think this is a very nominal fee. It's not that amount after all when you come to think of it, and if you look at the law as the Member said it here the individual person is excluded.

HON. V.C. [illegible]: Mr. Chairman, under subsection 2 contractor, the wording there seems to be out - perhaps needs an amendment. It says at the end, "employing a staff of/thereon and not less than fifty", I think it was meant to read, 'employing a staff of ten persons more".

MR. CHAIRMAN: I think the bill as forgotten workers with less than ten employees.

MR. V.C. [illegible]: Well, sorry.

MR. C. [illegible]: You see .....

MR. CHAIRMAN: I haven't got down to the section on Corporate yet. We are dealing with item 3 under trades and technical.

MR. V.C. [illegible]: Oh, I see.

QUESTION PUT: AGREED [sic] to unanimously.

MR. CHAIRMAN: Item 4 on the same section.

MR. C. ERIC BOLTON: Mr. Chairman, under hairdresser I see that has been increased four hundred percent to the Member from Ontario [sic] by, while that of barber remains at twenty-five dollars. I think it is right that the barber should remain at twenty-five dollars but I don't see why hairdresser should go up four times. If there was some reason for leaving a barber at twenty-five dollars there must be some hidden reason which is not apparent in this bill for putting the hairdresser four times, so that should be cut to fifty dollars.

MRS. M.M. JEPSON: The reason, Sir, is because the hairdressers have taken most of the business from the barbers these days.

HON. R.S. BASS: Besides, it make this one business pay on, it's the manicurist and the proprietor. It's quite a lot of emasculation goes on in the beauty parlour itself not in a barber shop.

MR. G. RAM MACKIE: And perhaps you may have heard somebody recently about the change of sex too. [Members Laughter]

MISS MARIE M. MCLEOD: May be it's because all the men's hair is dumping out on top and the other ones when their hair grows long the barber has more to cut.

HON. R.S. BASS: As far as that goes I think you need the barber in the Island.

QUESTION PUT: AGREED. [sic] Item 4 unanimously.

HON. W.G. DAVIES: It's only two voices you're hearing over there - but loud.

MR. CHAIRMAN: Item 5, Service Station.

MR. C. ERIC BOLTON: Now, Mr. Chairman, item 5 is not a condition like the preceding one, here one needs serious consideration because we have in the outer districts particularly in East End and North Side small service stations which are not doing the one hundred or two hundred dollars any my a service station in George Town. If it is reasonable to arrange different categories I would say that the overall fee should be reduced to fifty dollars, because I feel it is too heavy for a big station to get by paying less than it should than for a small station to be paying more than it can.

I won't go into the economics of it, but we do know that - I'm thinking of East End and North Side. There are one or two stations that will probably sell no more than gasoline for a single day, some of them are lucky to take a sale even in one day. And, some of these stations do not have the concomitant business of alcoholic beverages to support the business from the gas side of the station, and it's most unfair to ask these small stations. I've got thinking about the ones in Bodden Town because they've sort of fortunate in getting little traffic passing through, but take in East End and North Side, these stations are not doing any business. I know this, I have been in these businesses and wasn't even able to get [illegible] because they were out of it just may be more liable to pay or to get refrigerating supplies, and business is real sad. And, the biggest injustice under this Bill is this section 5 and I would rather see the big stations get away with less than they can easily pay rather than put a hundred dollars on these sub-stations that are not able to pay. And, since we are in committee stage I would ask if you can do anything to enlarge Executive Council to put they can change this section which they have put forward because this is a case case and

MR. W. ERIC BOWEN:(CONT'D): it merits some consideration.

MR. W.M. CONNOR: Mr. Chairman, I believe that I can agree with the Honorable Member on the other side that there is probably one or two individual areas in the rest districts that could be considered for some special consideration. But, the fact is that most of these I know even though they are out in the districts you'll find that they sell everything from a pin to an anchor; most of the gas stations around involve themselves in all types of trade, they sell ice cream, tiny sell other articles of grocery and they sell apart from their particular gas and certain of them sell alcoholic beverages. And, there may be one I can think of in West End that doesn't go into that particular trade that may be different, but can you adjust a law to suit an individual situation, that we would have to consider. If this law was in a position to control the type of businesses and where that the station were only dealing in the sale of gas , petrol, and lubricants then I could see we could have a planned or a selective situation for the out districts, but the same thing applied for years with the small retail businesses out in the out districts, small places were paying the same as the big supermarket in license fees and paying. And, I'll admit that it's going to be difficult to find the solution to this without you can name one individual or two individual places in the town and then you take individual exceptions when you are faced with starting up a whole round system of events as far as this is concerned. But it is true that there are some of the places that would be at a great disadvantage to pay these hundred dollars, on the other hand most of them as I've said just in general trade including the sale of alcoholic beverages.

MR. JAMES M. HOWARD: Mr. Chairman I do follow that line of thinking when there is a person operating his own business but he's made his money on selling his back or something else, it means that he haven't obtained enough for that particular license. I agree that what the Member has said to an extent is true because you do find these service stations selling tree peanuts or pop corns, but again I agree that they would be covered under another license that they've had, I don't see how a man could have a service station selling food and pop corn in order out of the other licenses, I don't know whether their service station will cover that or not. If this service station is just covering the sale of lubricants and gasoline and so forth I would be one who would say for God's sake give him a license for nothing, because I'm sure he's not making any money, but I feel like it should be reduced if he's just strictly dealing with the gasoline and lubricants. If he is going to sell other things in there then we should put in another category and charge him a particular price other than this one here.

MRS. DORIS M. BODDEN: Mr. Chairman, I feel that if the poor which we shall always have with us are being neglected but we should give them some consideration. And, if these service stations in the other districts are not making any money to keep them a going I feel that we could give them some consideration without anything being more wrong, doesn't you know that can get nearly anything they want, they get people to enter to trade the poor are always down trodden more or less.

Now, I am for the reduction of this fee to fifty dollars if it's going to have anyway by having one hundred dollars now, unless you can put it in a category, but you say that cannot be done so I would feel that fifty dollars would be a proper take. I think these gas stations will function, they can make money all they need, because from daylight in the morning till the last thing in the night you see people buying and drinking non-alcoholic beverages. But, unless you're selling that along with the gasoline which I'm very much against,I don't think they make too much money.

MR. JAMES M. BODDEN: Mr. Chairman, I think I have a solution to this; we could treat this in the same manner that we're treating Cayman Brac and look to anything east of George Town as being an oppressed area, I mean depressed area rather and write it into this law here that anything outside the districts of West Bay and George Town that garage and service stations would only pay half of the fees, we've done it for Cayman Brac we could do it for the oppressed eastern districts, sir.

HON. V.G. JOHNSON: Mr. Chairman, I wonder whether there is a difficulty with these service stations on a peak hours because I know there are some stations with a great many pumps, some with three, four pumps and others with just one or two pumps, they could perhaps be categorised by the number of pumps they carry.

HON. BENSON O. EBANKS: That wouldn't solve the problem because that can be changed during the course of the year.

MR. JAMES M. BODDEN: I think the safest way to do it would be just to write it in like you did to Cayman Brac and say that anything outside of George Town and West Bay would be at fifty percent.

MR. JOHN D. MCLEAN: Mr. Chairman, while I'm going to agree with my colleague Member from Bodden Town I would hope that the First Member wouldn't insist that you would please the entire district as a depressed area because that wouldn't be too good for his campaign next year.

MR. JAMES M. BODDEN: Well, really we've done the ground work for the campaign for next year - if you will notice I slipped in the word "oppressed".

HON. W.W. CONOLLY: I think, Mr. Chairman, it would be difficult to do that because you would find me the first member speaking said that Bodden Town enjoys a certain amount of benefit through the cars passing through Bodden Town; you'll find that the stations at Bodden Town will be at a great advantage over those places in East End, I don't think that this would altogether solve the problem. And, if you could say east of Bodden Town I probably would be one hundred percent behind you to support that.

MR. JAMES M. BODDEN: In that case then you should've brought it forth yourself, We had to look after our districts too.

HON. W.W. CONOLLY: No, I didn't, it would look too personal you may see I .....

HON. V.G. JOHNSON: Mr. Chairman, we are not talking about a big fee it's less than two dollars a week. I'm sure that all stations regardless of the volume business would be able to pay this fee.

MR. I.N. FARRINGTON: Mr. Chairman, I don't know if I've got anything to offer as a solution but I do feel that suggestions have been made about having a different category for East End and North Side; it's a valid one; it does seem inequitable to me that these gas stations should pay the same as the larger ones, and I certainly would support any suggestions that have been made to categorise these and have it adjusted. It does seem unfair, unjust for these small stations that are not doing any business or making very little business to have to pay the same as the larger stations. I don't know if I can offer any solution but the one that has been suggested by the third Official Member seems to be a good one to categorise them or something like that, but certainly I couldn't sit here and say that I'll be doing justice to the people of these Islands; not to my constituency but to the whole Island if I sit here and say that a little station should be paying the same. And, I don't think that two hundred dollars is one of place in the larger stations, but I do

MR. T.W. FARRINGTON: (CONT'D) ... seal like something should be done.

MR. JAMES M. BODDEN: Mr. Chairman, I'd like to place a motion to this that we change this to read, "Any service station or garage operating in any district of Grand Cayman other than West Bay or George Town, shall be at the reduced rate of fifty percent", that would give it fifty dollars.

MR. D. CRAIG BODDEN: Mr. Chairman, that seems quite in order since the precedent has already been set in this law with regards to Cayman Brac, and I would go along with that and withdraw the amendment which I tabled on eight.

HON. BENSON O. EBANKS: There is only one thing on that motion, Mr. Chairman, I think Members are only looking at service stations but the section also includes and excludes markets.

MR. JAMES M. BODDEN: May God have pity on that fool. ⊥

HON. BENSON O. EBANKS: And I would imagine that - I know there are markets above George Town, in fact the biggest one in the Island is there.

MR. JAMES M. BODDEN: But Mr. Chairman that is included into the George Town district, you know the one that he is speaking about. I was only talking about the capital of Bodden Town and East End and North Side.

MR. CHAIRMAN: Is there any discussion on the proposed amendment?

MR. G. CRAIG BODDEN: Mr. Chairman, in keeping with the memorandum of objects and reasons for this bill we need that it be intended to re classify in and vary the scale of fees. The amendment which the First Member from Bodden Town has just proposed is quite in keeping with the memorandum of objects and reasons, in that it does re-classify the scale of fees for service stations, and it's a valid amendment, in fact I don't see anybody having any objections to the amendment; it's quite valid and it's just in keeping with the objects and reasons as set out in the memorandum to this bill. We might say we don't want to do it because it is Bodden Town and the eastern districts, and because they have never had a break we might say that we'll just keep them as they are, but there can be no valid reasons for not allowing such an amendment.

MR. JOHN D. JEFFERSON: Mr. Chairman, I am quite willing to support the two districts, East End and North Side which the Member from Bodden Town himself said that the others in Bodden Town with the traffic in other words were able to make it on their own. I would be quite willing to support both North Side and East End but I wouldn't want to see it expanded.

HON. W.W. CONOLLY: Mr. Chairman, I would not oppose the amendment providing that the stations that do sell other goods come under the other category of licence, because we still would then be making a great difference between one that does and one that doesn't even though they are in the eastern areas. I feel like a station that is selling what this fella... boy does, like Linahman as a filling station if we make this concession for them then if that station carries on any other business it should come under another category of licence as well.

MR. G. CRAIG BODDEN: I quite agree with that. If the stations carries on other business naturally the station would pay whatever fees are set out say under the Liquor Licensing Law or a pub and restaurant or retail grocery stores, this particular section is dealing with service stations and the products that we sell in servicing motor vehicles. So, what if the

MR. G. HAIG BODDEN (CONT'D): Owner in one of the eastern districts receives a tax break under this section he is not precluded from paying the full duties payable under any other law so here we are not trying to give him a fifty percent tax cut on all of his licences we're only giving it to him here for licences under service station and garage. If he tells in any other category as a retailer or real estate agent or whatever he's doing, boats or whatever it is he would pay the full fees for that. We're only asking for a tax break for this particular item.

And, so Mr. Chairman, if there is no more debate I would ask you to put the question as to whether the service stations in Bodden Town, East End and North Side would get the tax break as suggested by the First Member.

MR. CHAIRMAN: The amendment I've got is, At the end of item 8 you would have the words 'provided that any service station, garage or marina on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent'. That's related to this item only; I think you've got to mention the Grand Cayman - because Little Cayman and Cayman Brac are qualified by the clause at the end.

I'll read that again. 'Provided that any service station, garage or marina on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent'.

MR. JAMES M. BODDEN: Mr. Chairman, I'd just like to ask there complaints of George Town or West Bay because it may leave it open if we just put George Town and West Bay to where anyone say, on the road between West Bay and George Town or South Sound or something like that would be interpreted as coming under this amendment.

HON. V.G. JOHNSON: Another thing sir, would the marina be included in the areas other than George Town or West Bay?

MR. JAMES M. BODDEN: The present marina I think that you're speaking about is in the George Town district.

MR. G. HAIG BODDEN: At least for political purposes Prospect is a part of the George Town district, so any duties in Prospect for tax purposes would also be in George Town.

HON. G.E. WOODSTOCK: Without a definition in this law I don't think it would be a material expression in respect of the Hamburn, law; not for this law.

MR. JAMES M. BODDEN: Could we have that marine please?

HON. G.E. WOODSTOCK: I don't think that any such provision would apply unless the district was defined in this particular law. The definition of the districts in the electoral law is purely for the electoral purposes.

MR. G. HAIG BODDEN: Mr. Chairman, there is a simple way to get out of this. If the proviso we can leave out the word 'Marina', and the proviso would read, "Provided that any service station or garage in Grand Cayman", just leave the word "Marina" from it and they would automatically be excluded.

HON. G.E. WOODSTOCK: That would be a better suggestion.

MR. CHAIRMAN: Well, if there is not further debate I shall simply ask you to vote on that amendment.

The question is that item 8, service station, garage or marina be amended by adding the words, "Provided that any service station or garage in Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent".

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Item 11.

HON. V.G. JOHNSON: Could you please read that again for me,Sir.

MR. CHAIRMAN: Item 9 is amended by the words, "provided that any service station or garage on Grand Cayman other than in West Bay and George Town shall pay at the rate of fifty percent".
Item 11 TAYLOR.

MR. G. HAIG BODDEN: Mr. Chairman, this is a business that has never seemed to do well in this Island because of the preponderance of ready-made clothes, and the tailors which includes dressmaker and fitter and repairer of clothes-seem to suffer sometimes. I don't know what is reason but I've never known why that is. It looks like a prospering business, and they were paying ten dollars and now we are increasing it to twenty-five which is a two hundred and fifty dollar increase, and I just think it's too much. A fifty percent increase being/if to fifteen dollars would seem to be equitable.

HON. GEORGE U. HICKS: Mr. Chairman, as-far-as-that as this only applies to an established business, it doesn't apply to family units or individuals carrying on business in their homes. I wouldn't suppose that somebody and I don't think that if you are going to process and write a licence, I don't see that it takes-anyone to write it for less than twenty-five dollars in this day and age; and it doesn't apply to the family unit or individuals who work as such, in business and so on, this would be an actual business and I don't see anybody really getting out there - and if you can't afford to pay twenty-five dollars well back/stay in the home or work as long as business-at all, that's my view.

HON. V.G. JOHNSON: I agree with that,Mr. Chairman.

MR. T.W. FARRINGTON: Well, and,Mr. Chairman,here this is said that not only are we trying to get/revenue but we should be trying to support local industry. Now, this is something I see that could mean it hit to the economy in one way or the other. I mean if somebody is there set up as a tailor and is allowed to carry on, I think we can encourage this particular one by saying the fee shouldn't be too high because I think we got to bear this in mind that these small industries mean a lot to us, and we should encourage this . And, I think by putting a higher fee it'll discourage, and probably instead of somebody wanting a dress made and being down the road by fifty percent, the tailor who knew also might be would say if I got to pay this I'll get out of / I think this is where/ we as Government. encourage any little thing that might be looked upon as a local industry, which should mean a saving to the people, to the ones if they didn't get it made by a dressmaker they had to go to the shops and buy it, and pay twice what they could get it done by a tailor, that's the way I see it.

HON. V.G. JOHNSON: Mr. Chairman, again this is just a matter of two dollars a month and any establishment that can't pay a licence fee of two dollars a month shouldn't operate in my estimation.

HON. T.B. BUSH: And, Mr. Chairman,with regards to the business not been attractive enough to warrant any licence I know that it has been attractive enough to induce two cobblers from abroad to come and establish themselves here in the Island right in George Town, and I think less than twenty-five dollars wouldn't reasonable warrant a licence fee in.

QUESTION PUT. AGREED. ITEM 11 AMENDED.

MR. CHAIRMAN: That is, Mr. Speaker.

MR. G. HALL HODGES: Mr. Chairman, in the previous amendment we probably lost the ten dollars worth of the cryptomeria but we are not only for time but for eternity. In looking at this I can't think of any qualified embalmer on the Island, in fact not any that I would like to be put in charge of preserving my body for posterity; and we do have monopoly in the business of selling caskets but we don't really have an undertaker as such and to assess as how it is we can increase the fee as a business that has not even gotten off the ground although it has gotten under the ground several times, this doesn't seem right and the cost of living is already high we shouldn't be putting up the cost of dying. Now, this is no joke, when a person dies it is a fact that the remaining relatives have to meet the cost and this is one situation that I have a lot of statistics on.

I have had the privilege and the happy - I would say, the happy undertaking of paying several death claims during my time in the insurance business, and in many instances the creditors of the deceased are always pleading me to let them know when the cheque is coming for the worker so that they can get their claims out of it. Here, if we put up the fees of an undertaker who do you think is going to absorb that? Do you think it's going to be the undertaker or the undertaking? Ann, this doesn't seem right to me at all and I would strongly suggest that we reject increase it by more than a hundred percent. We have been something like four hundred persons possibly in that room [illegible] George Town percentages, so I think it would only be reasonable that we make this fifty dollars instead for the two hundred that is proposed here.

MR. JOHN D. JEFFERSON: Mr. Chairman, I wouldn't support that at all; the Member said he had unbelievable death claims in relation to this I know just of one that the undertaker charged something like about four six hundred dollars, and if they can make charges like that that a fee of a hundred dollars is not an exorbitant amount at all. very reasonable, Sir.

HON. ARNOLD D. MANDER: Are you having in mind to increase it?

MR. JOHN D. JEFFERSON: I would ..... (Members laughter)

MR. DAVID N. BODDEN: Well, Mr. Chairman, what we're really debating on this side is the fact that we do not have anyone in this Island that falls under that category.

MR. JOHN D. JEFFERSON: Mr. Chairman, if we can't agree that anyone that we'd say we don't expect to undertake anything else, if there's nobody here now that's doing it and what they're charging, then fine. They come then we'd have to up the fees increase by another one hundred percent.

HON. V.G. MORRISON: There is someone here, Mr. Chairman, who goes by that title or who knows that title, "Undertaker".

MR. JAMES M. RUTLEY: Yes, but wouldn't be qualified I don't think under this law. It says, "a mortician and or embalmer"..

HON. V.G. MORRISON: Well, that's another matter, but we're talking about an undertaker here.

MR. JOHN D. JEFFERSON: Mr. Chairman, what it does means that the undertaker can employ the services of these people if he so wishes, there's nothing wrong with that that's his [illegible]

MR. CAYRO A. RUTLEY: The third thing troubles me about this Mr. Chairman, is that the second Member from West Bay - I thought this point would really have appealed to [illegible] I had expected his support.

MR. JOHN D. CRAIGMYLE: Mr. Chairman, my phlebotomic heart doesn't respond when I see the wouldbevent prime that are charged in cases like this. (Laughter)

(MOTION NOT SECONDED. ITEM 12 UNCHANGED.

MR. G. CRAIG JOHNSON: Mr. Chairman, I do not want a division on this.

MR. CHAIRMAN: We'll move now to "Transmission" and there is an amendment tabled for item 6, Restaurateur.

MRS. ANNIE H. BOOKER: Mr Chairman, just before we move on that; now, this transportation under industry, agriculture and privacy activities. Now, this land transportation, including any person operating .....

HON. REMBERT G. JAMES: We haven't got to that yet.

MR. CHAIRMAN: Well, we haven't planned on that matter.

MRS ANNIE H. BOOKER: Alright Sir, I'm sorry..

HON. V.G. JOHNSON: What item are we dealing with now Mary?

MR. CHAIRMAN: We are dealing with item 6 restaurateur under amendment.

HON. V.G. JOHNSON: I was dealing with item 2 first - a contractor. The wording there at the end of it, it reads"employing a staff of ten persons and not less than fifty". It appears that that is a typographical error and that it should perhaps read, "a staff of ten persons or more"rather than less than fifty.

MR. G. CRAIG JOHNSON: And also, Mr. Chairman if you noticed it reads in the beginning 'including any person carrying out the business' while on the other page for building it reads, "any person carrying on the business", is that intended to be carrying out or carrying on?

HON. V.G. JOHNSON: Carrying on.

MR. CHAIRMAN: I think it is so. If Members wish to put this to vote I will but the amendment needs explanation.

Item 7 will now read, "including any person carrying on the business of building or civil engineering contracting employing a staff of ten persons or more". Is that acceptable to Members?

Item 6, Restaurateurs.

MR. G. CRAIG BOOKER: Mr. Chairman, this would cause the owner to be a small establishment in that the floor space should either determine the amount paid or it should be reduced to fifty dollars, so that the very small restaurants wouldn't have to pay the one hundred dollars, either we reduce that all to fifty or we actually then according to floor space.

MR. JOHN T. JEFFERSON: Mr. Chairman, since I'm quick to be a restaurateur I will abstain;gault, I won't speak on this at all.

HON. W.M. CONNOLLY: Mr. Chairman, as I see it it would be pretty difficult for us to determine in floor space the affected businesses particularly this; you have a restaurant that specializes in certain foods and can draw quite a larger crowd than even a large restaurant. I think that it is not indicative at all of the amount of work on of the size, and it would be a small place in a many out servings so it looks like it would be pretty difficult to differentiate between the sizes there and this has been a problem, we were fortunate enough in the hotels to have determined this by the number of rooms but in any other business it is pretty difficult to do but I'm much afraid when it comes to a restaurant that there has to be one

HON. W.M. CORBETT: (inaudible) Yes.

MR. G. EARL ROGERS: Mr. Chairman, since there can only be one law I would suggest that the fee be set out in the amendment, a fee of fifty dollars which would still allow on the one hundred persons increase; we don't want to upset the percentages.

HON. W.N. CONNELLY: But fifty dollars, four dollars a month it wouldn't pay to work; any restaurant that can't pay more than four dollars a month shouldn't be operating.

QUESTION PUT: AGREED. (Then a chuckle).

MR. CHAIRMAN: We'll pass on to Industry, Agriculture and Primary Activities. There is an amendment down under item 2, blacksmiths, quarrying and building.

MR. G. EARL ROGERS: Mr. Chairman, I have an amendment that the law for that be a hundred dollars. I don't seem to have been the fee under the old law. I wonder if anybody can tell me what it was.

HON. G.I. MACDONNELL: There wasn't any specific fee for that trade it came under retailer quite likely.

MR. G. EARL ROGERS: Well, Mr. Chairman, I thought that was so but my quick check of the old law didn't reveal this classification. So, here if we are making new classification as it might to start it out at the top of the percentage here? I mean lets face it, it apparently operated all these years without a classification but there may have been some collection under the general clause in the case of a trade not specified, but now that it has reached the status where we can classify it as it might to state it out at two hundred dollars, when heretofore there wasn't even a classification for it?

MR. ROBERT O. BELAIR: I think the view is that it has reached the end of its tax holiday and it should pay a reasonable sum.

MR. T.M. FERRINGTON: Mr. Chairman, going back to this agricultural business. I agree that two things for agriculture should be brought in here but I'm a little disturbed that we had an expert brought over from Jamaica some years ago to advise us on this very matter, and (inaudible) he was the head of this project there in Jamaica. I don't remember just what it was but he was a very qualified man, and he definitely warned us and I may say that some (inaudible) under the United States Government at that time) he says that I warn you not to allow any cattle or meat products to come in from Swan Island because (inaudible) a great danger, although it is said that cattle is heavy reared on Swan Island, but there're always boats coming here and dropping off cattle from Honduras and they were having the foot and mouth disease and he says - he gave us an instance that there was an outbreak of this foot and mouth disease.

MR. CHAIRMAN. I'll suppose that the Honourable Member agrees that either/or contract the Budget or in Finance Committee. I think when we're dealing with business this is getting a little away from it.

MR. I.N. MACDONNELL: I'm only saying this, Sir, that I am persuaded because he definitely advised - he gave us an instance where there was a hole, he went into Cuba and he had a little piece of animal and he threw it into the pig sty and some months after that an outbreak of foot and mouth disease was in Cuba and they had years they had to kill every head of cattle around and everything else and he advised us strongly against this and I feel that - it's tempting to raise a couple of cattles. I've just eleven forty heads and I certainly wouldn't want to know I'm the least that we should allow something like this to break out because you'll have to kill every animal in the island and I think it's wrong for us now or

MR. T.M. FARRINGTON: (CONT'D) anytime in the past year to bring in cattle. Perhaps this is one of the things where we say you rub my back and I'll rub yours.

MR. CHAIRMAN: I warn the Honourable Member's point. But I think if any debate is to go on that it should come under the Budget when the Honourable Member can raise it again.

HON. PERCY O. SMITH: I wondering if he wants to suggest a fee under this heading or .....

HON. W.K. COWLEY: No, no, I don't think that's the idea at all I believe that is something else. Under this here, under this particular law anyone who makes an application for any industry, agro-business industry which is the raising of livestock, poultry and animal husbandry, hydroponics and stuff that. They are free, no licence fee. Now, the matter of bringing in cattle from somewhere else that's a different story altogether, it has nothing to do with it.

MR. T.M. FARRINGTON: I am only saying that this was the advice we received from the highest authorities in Jamaica, not to allow any part of or hides or anything else to come in from Swan Island because since though it might've been cattle grown there by Caymanians but the traffic between Jamaica and Swan Island, and there was a possibility that these cattles could be brought in and have foot and mouth disease and that we would really be up against it. That's what as a cattle rearer this is my concern.

MR. JOHN D. JEFFERSON: Mr. Chairman, I know that this is not relevant but I would expect the same consideration given to my colleague on my left. I would refute that statement, our own .....

MR. CHAIRMAN: I don't think I'm going to allow debate on this topic, it can be brought up again during the Budget Speech: we are getting very far removed from the bill.

MR. JOHN D. JEFFERSON: Mr. Chairman, I personally didn't feel it should have any relevant to start with.

MR. CHAIRMAN: I think the Honourable Member probably didn't take my point, but I thought it was out of order and it can be raised again.

MR. JOHN D. JEFFERSON: I can assure you I'll deal with it in the debate.

MR. CHAIRMAN: Well, we'll come back to blockmaking, quarrying and building materials. Is there any further debate on this item?

MISS ROBERTA S. BODDEN: Mr. Chairman, I would say this, that these country people and blockmakers they can easily raise two hundred dollars to pay Government. I was trying to fix my old person the other day and I had to pay sixty-three dollars for one truck load of white limestone quarry dust - sixty-three dollars, now I'm sure they sell hundreds of truckloads yearly. And the blockmakers they are fabulously rich now. I say they can easily pay two hundred do here.

(Interjection but on page 7 under Industrial, AGRICULTURE AND PRIMARY ACTIVITIES agreed, item unchanged.

MISS ROBERTA S. BODDEN: Mr. Chairman, I see in one item under this transportation - land including any person operating public bus, taxi or livery service, I think we should not charge them any fee because after all they are paying licences and I think increasing it a little bit now to charge them the fifty dollars tax. I know that I have a neighbour

MISS ANNIE M. BOGGESS: (CONT'D) who when they have bought their toxy will refund, and I feel that the taxis paying the taxes that they have to pay for cabs - just so that we could easily exclude this fifty dollars, it's not much to Government but it would be a lot to some of these taxi operators.

MR. S. WAYNE QUEEN: Mr. Chairman, I have to agree with the lady Member because I see that under the Traffic Law we have just increased the licenses for a taxi to sixty dollars a year which I believe was almost one hundred percent increase and here we are putting an additional fifty dollars. I would suggest that the word "operating public bus and taxi" as all the land items be excluded. This was meant to be alright since they wouldn't come under the Traffic Law, but the bus, taxi and jitney service are definitely within the confines of the Traffic Law and we have just doubled the licenses on buses, cabs and jitney services and this doesn't seem right, so I think we ought to exclude that entire portion but we could leave more.

HON. EARLSON A. BROOKS: Mr. Chairman, again this seems to be a case of oversight; this doesn't mean the individual taxi operator, this is a person who operates a fleet of buses, a fleet of cabs or a fleet of jitneys, it doesn't apply to an individual operation but the law specifically excludes individuals who do not employ other persons.

MR. G. GALE ALLEN: Mr. Chairman, that may well be so, but the individual who does employ other taxi drivers or bus drivers would be paying the increased fees on his individual bus or taxi under the Traffic Law, so he should be excluded from this because he needs to be charged here not hereafter, both places.

HON. V.S. CONNOR: Except, Mr. Chairman, the taxis under the Traffic Law is pertaining to the vehicle themselves; the fee under this law is pertaining to the business and any person carrying on business within the country should under this law operate with a license, and that is all the law is saying here, that under the heading "Transportation" if air or by land that the person operating the business, and if it's a public business should pay a license fee and any person operating a business should also pay a license fee. So, it's quite distinct from any fees under the traffic law as to whether there should be a license fee for any person operating public bus service or taxi service or any such thing, it's another matter. But, if it is a public service then of course there should be a license fee.

HON. K.W. CONOLEY: Mr. Chairman, I think this is what is relevant at the present time. I think the part-time people - take for instance they rent a car, they have a license, it must be under regular as under any other business; I believe that at the present time they pay for their business - a license fee to operate that business and then they have their individual cars interchangeable under the Traffic Law; this pertains today, this is exactly what is happening today.

MISS ANNIE M. BOGGESS: Mr. Chairman, I would just like to say this, for instance I could quote some names which I shall not, but they operate taxi service, they might have three or four cabs and this is simply including any person operating public bus, taxi or jitney service and I feel that really we have taxed those taxis quite a bit, and fifty dollars is not much to the Government, but it would mean a lot of the dissatisfaction to some people, so I personally feel that this should be eliminated. I will admit that the bus business, that is quite very commercial because it appears on the beaches everyday you see these buses parading up and down and ferries and water sports etc., but the poor taxi people late don't encourage them anymore.

HON. K.W. CONOLEY: Mr. Chairman, I don't think it's the individual taxi, but we have different sort of car companies here now, for

HON. W.M CORNELLY:(CONT'D): instance we have Avis, we have Hertz, we have National and all this and they are operating from a registered office, each of those are operating from a registered office and I feel that they are now paying a license fee. I believe if one would ask the three very-well-to-do people that they have their license posted - if I remember correctly I saw it posted in there where they have their trade and business license, and I think this is why this particular item is here, because under the old Law it came under an umbrella which says that any other business not specifically named can be by twenty-five dollars, but this one has recognized it so I don't think it has changed anything.

MISS ANNIE K. BODDEN: Mr. Chairman,it's just that these Cuban rent a cars, Cico and all the rest of them have absolutely taken all the business away from these needier poor Caymanians like for instance Sundance Thompson, Everard Myles and that type, now this says, "including any person operating public hire, taxi or jitney service they must pay this fifty dollars. now, I will agree that Cico rent a car and Avis and all of that who have hundreds of cars that fifty dollars is nothing to them because they have snapped up all the business away from these poor Caymanians who have been in the business all their lives and have not other means of support, and fifty dollars is not anything to Government but it means a lot to them and it will be a act of dissatisfaction.

MR. CLYDE M. MILES: Mr. Chairman, will an ordinary taxi or jitney operator have to pay the tax to operate their car under this new law? I have paid this at one time when I was operating two taxis . I was aware of the fact that I was operating two taxis and I paid this. It applied as the Honourable Member from East End said, it applies to Grand-a-rie and also to black caps whether they're for gainful occupation or not so long you run them, they'll [illegible] you pay this as each one.

HON. V.G. MORGAN: Mr. Chairman,I think the provision of a license for people operating any public bus service, taxi service or a jitney service would be a protection to those operators; because otherwise if there is no record that there are such businesses operating in the Island, and for instance someone from foreign applies here to establish such a service now would the Cayman Protection Board have really that there are such services available in the Island, they would say no we have no [illegible] of such services here. I think from the protection point of view that those businesses should be registered and pay a fee.

MR. CLYDE M. MILES: Mr. Chairman, I think that the Third Official Member's statement is right because this would be now a form of protection for the taxi drivers as well as anyone driving his own taxi and not for a fleet of cars.

MISS ANNIE K. BODDEN: Mr. Chairman,I'm just saying this, that these rent a cars, Avis and all the others which are Americans or Jamaican or some kind of owned-by other than Caymanians being fronted by Caymanians they're taking the business away from these poor unfortunate people that I have mentioned, our women and I don't think it is right and fair the protection board is not protecting Caymanians in this instance. Avis came a way, Cico and all the other ones the other one I can't even remember the name, they are brought in here are taking Caymanians out of their established work that they have been doing for years and years and years and I do not think it is fair to charge these particular workings this fifty dollars when the others are get away with having hundreds of cars and paying the same fifty dollars.

HON. T.G. JOHNSON: Nevertheless,Mr. Chairman, as we develop and grow we need reputable names to grow with. It's the same as the Hotel industry. You know we need more a reputation to develop that industry in the Island, and as these reputable firms come here I think it is to our advantage as well.

QUESTION PUT: AGREED, ITEM 5 CONSIDERED.

MR. C. KELLY ROBERTS: Mr. Chairman, would it be possible to get a division on that?

Division

Ayes	Noes
Hon. D.V. Kaiser	Miss Annie M. Bodden
Hon. G.A. Huckleston	Mr. James M. Bodden
Hon. W.S. Johnson	Mr. L. Dale Thompson
Hon. A.B. Bush	
Hon B.O. Banks	
Hon. W.W. Conolly	
Mr. T.M. Farrington	
Mr. John D. Anderson	
Mr. Claude W. Hill	

9 3

MR. CHAIRMAN: The result of the division, Ayes 9 votes Noes 3 votes, so the motion is carried. There is one further amendment down under the last sentence in the bill. "In the case of a trade or business carried out in Cayman Brac or Little Cayman".

MR. C. KELLY ROBERTS: Mr. Chairman, I think I covered this pretty well in the debate on this bill and I don't need to go into the reasons why we need to keep the fees in Cayman Brac and Little Cayman as low as possible. The bill commences fifty percent, but this morning we heard about a magic figure of thirty-three and a third percent and I'm suggesting that this magic figure of thirty-three and a third percent which was used all morning be put in, and that the businesses in Cayman Brac and Little Cayman pay thirty-three and a third percent of what they pay in Cayman.

HON. W.S. JOHNSON: Mr. Chairman, I appreciate the interest of the Honourable Member over Cayman Brac and Little Cayman but I would like to inform that the number for Cayman Brac has agreed to the fifty percent.

HON. ROMEO O. MCCOY: Further, Mr. Chairman, when we have split up retailers into three categories we have covered Cayman Brac very adequately there I am sure, and which would mean that the small businesses there that would be now paying twenty-five dollars the bottom would be paying seventy-five. so I think they have been given due consideration. I think there are two lumber stores in Cayman Brac that would be paying a hundred and fifty. From my knowledge of the situation I don't think they would be any worse off than would be a medium size store paying a hundred and fifty in Cayman.

MISS ANNIE M. BODDEN: Mr. Chairman, I would just like to say that all the millionaires that we have in Grand Cayman except for one they have come from the Sister Islands .....(UNINTELLIGIBLE)

MR. CHAIRMAN: I shall put the question, and that is that the section of clause 2 which deals with the lowest amount it states for Cayman Brac and Little Cayman stands as drafted.

QUESTION PUT. AGREED.

MR. CHAIRMAN: I'll now put the question that clause 2 as amended in two places with the result of this debate stand part of the bill.

QUESTION PUT ON CLAUSE 2 AS AMENDED: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLAUSE 3 LAW TO AMEND THE TRADE AND BUSINESS LICENSING LAW.

QUESTION PUT: AGREED, CLAUSE PASSED

MR. CHAIRMAN: That concludes proceedings in committee of this bill

HOUSE RESUMED
REPORT THEREON

HON. W.C. JOHNSON: Mr. President, I have to report Sir that a bill entitled "The Trade and Business Licensing (Amendment) Law, 1973" was considered clause by clause by a committee of the whole House and passed with the following amendments. Under section 2 the schedule under the heading Trades and Industrial Item 3 between station Change or Derby, at the end the words shall "Provided that any service station or garage in Grand Cayman except other than in which only an Ordinary Town shall pay an fee of fifty shillings". Another typographical error which was amended was under the heading "Commerce" Item 2 Contractors which now reads, "including any person carrying on the business of building or civil engineering contracting employing a staff of ten persons or more". Those were all of the amendments, Mr. President.

SUSPENSION OF STANDING ORDER 54

MOVED BY HON. W.C. JOHNSON, SECONDED BY HON. D.V. MILLER

QUESTION PUT- AGREED. STANDING ORDER 54 SUSPENDED.

THIRD READING

CLERK: THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1973.

MOVED BY HON. W.C. JOHNSON, SECONDED BY HON. D.V. MILLER

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

ADJOURNMENT

MOVED BY HON. D.V. MILLER, SECONDED BY HON. G.C. HAIGHTON.

QUESTION PUT: AGREED. AT 5:40 THE HOUSE ADJOURNED UNTIL WEDNESDAY MORNING THE 15TH NOVEMBER, 1973 AT 10 A.M.

WEDNESDAY, 12th NOVEMBER, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, SIR THOMAS HUGHES, CBE - PRESIDING

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.C. MILLER, CBE., ED.	FIRST OFFICIAL MEMBER
HON. G.E. WASHINGTON, CBE., ED.	SECOND OFFICIAL MEMBER
HON. V.G. ROBERTS, QPM	THIRD OFFICIAL MEMBER
HON. A.R. PEARL, M.P.	SIXTH ELECTORAL DISTRICT, MEMBER FOR MINES, COMMUNICATIONS AND PUBLIC TRANSPORT
HON. ISAIAH ROBINS	FIFTH ELECTORAL DISTRICT, LEEWARD ISLANDS (MEMBER FOR EDUCATION AND REHABILITATION AND TRANSPORT)
HON. R.O. JEFFERS	FIRST ELECTORAL DISTRICT, WEST END (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W.W. DONELLY, OBE., JP.	SIXTH ELECTORAL DISTRICT, EAST END MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES, MAIL, AGRICULTURE AND TOURISM)

ELECTED MEMBERS

MR. I.W. WASHINGTON, OBE., JP.	FIRST ELECTORAL DISTRICT, WEST END
MR. JOHN TORKINGTON	FIRST ELECTORAL DISTRICT, WEST END
MISS DANIEL D. HODGES	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. [illegible]	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. C. MAIC BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. [illegible]	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

[illegible]	Title

ORDERS OF THE DAY

WEDNESDAY

19TH NOVEMBER, 1975

1. TRANSPORT (WORKERS' REPRESENTATIVES) BILL [Bill 19] [1st, 2nd & 3rd Reading]

2. DEBATE ON THE FINANCIAL STATEMENT

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WEDNESDAY 1st., NOVEMBER, 1972
10 a.m.

MR. PRESIDENT: Proceedings were resumed.

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1972 FIRST READING

Moved by HON. V.G. JOHNSON
Seconded by HON. D.V. WALKER

QUESTION PUT: AGREED, BILL GIVEN A FIRST READING

SECOND READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1972 SECOND READING

HON. V.G. JOHNSON: Mr. President, this is a third law of the set of measures being introduced in this Session to raise revenue to supplement expenditure in the new year 1973. It is desirable to increase travel tax under the Travel Tax Law 1965 from the present $7.00 to $2.40, that is one part of the recommendations, and the other part is to introduce a new fee on cruise ship passengers, and the proposal is to introduce a fee of $1.60 per person for persons arriving in the Island on cruise ships.

Dealing with the first part of the recommendation first, as I stated in the Budget Address there are two reasons for this proposal, the first is to raise revenue, and the second is to introduce a convenient figure of travellers to the Island, especially travellers from North America. Very often we find travellers at the airport enquiring over what is the difference between Cayman, and eventually when they produce three U.S. Dollars they're given change in Cayman monies which they raise objections on. It was thought time in arriving at a new figure for the increase we would choose a figure which would be equivalent to a number of U.S. Dollars, and the proposed $2.40 here at the exchange rate of $0.6 Cayman to one dollar U.S. would produce three dollars U.S. and so if the North American travellers produced three U.S., they have no change coming to them, and perhaps they would be more satisfied. We thought that this would be a useful accommodation.

As far as the new fee to cruise ship passengers concerned we thought that since cruise passengerwise a new thing to the tourist industry that in the coming year when it is anticipated that the cruise would increase to an appreciable figure, that it would be reasonable to introduce a tax as available in other countries, as is applicable in other countries. I do not think that operators of cruise ships would have any objection to paying this, neither would the passengers have any objections to paying the fee. What they would perhaps have objections to would be to pay the fee during the middle of the year when the rates have been arranged for a year in advance. And so if this rate was to come into effect say on the 1st of January, 1973 it would upset the entire cruise ship arrangement. And if cruise ship passengers refused to pay the tax, then the burden would fall on the cruise ship operators, which I'm sure that Government would not like to see therefore in so being suggested that this tax come into effect on the 1st of August, 1973. It perhaps could be argued again that the tax should be introduced nearer the time when it should come into operation, but again it was thought by the authorities in Tourism that the tax should be made public well in advance, so that people would prepare to pay the adjustment at the appropriate time, and therefore it should appear in the law at this time, and of course the Legal Department can be objection to this.

The recommendations both recommendations are therefore put forward for your consideration, and I doubt very much that there would be any adverse reaction from anyone to paying what is recommended here. And so, Mr. President and Honourable Members, I'd ask for your kind consideration of the proposal put forward in the Travel Tax (Amendment) Law, 1972. Thank you.

SECONDED BY HON. D.V. WALKER.

QUESTION 201: CONTD

MR. SPEAKER: Mr. President and Honourable Members, the Bill before us is the first one in the set that I can give my support to. I'm not saying this because Executive Council is here in full force today, one Member having been flown in from India especially for today's session. I'm not saying this because we are greatly out-numbered today, I really mean that I can give some support to this Bill. First of all it is a reasonable amendment, it is an amendment that can be swallowed by the people who will pay the tax. It is a reasonable amendment in that the increase which is asked for is small, it is an increase of forty cents per person in the first part of the amendment, and this increase is a twenty percent increase. I was much alarmed yesterday to hear responsible members of our Government say that an increase of twenty five dollars a one hundred percent increase on a certain tax wouldn't worth the trouble of bringing it before the House. I wondered which Legislature that Member was sitting in, was it New York State or Beverly Hills, or one of the rich places of the world; to hear a Member of Government say that to increase a tax by twenty five dollars in a poverty stricken area like the Caribbean was not worth bringing it before the House. Now today Executive Council is saying that a forty cents increase is worth bringing it to the House. You know the devil can quote scripture for his own purposes, and that is exactly what is being done in this House. Nevertheless, the amendment here before the House is a reasonable one, and I've always been a reasonable person in this House, and I can say that I support a reasonable measure when it is put forward, and I will do so. There are some Members that can only support things if they're brought by certain sections, I'm not like that, I can have to support whatever I feel is reasonable, and whatever I feel is equitable, whatever I feel is just, and I will do that throughout my tenure in this Assembly.

As the Third Official Member has ably pointed out the effect of making the tax two dollars and forty cents will mean that the tourist will have a distinct convenience in paying a straight three dollars U.S., heretofore I think the tourist paid two dollars and fifty cents U.S., and when he presented three dollars U.S. he was given some sort of change in Cayman. Foreign change for which he had no use, unless he wanted to keep it as a souvenir. And as a reasonable small increase making a convenience and a time-saving for the people involved, is something that is acceptable to me. If this tax had come before this House asking for a four hundred dollar or a four hundred percent increase, or a twelve hundred percent increase as has been done over the past two days, or a 67.5% increase, I would not support it. I realise that the tourist is not the only person that pays this tax, people from the islands have to go abroad, so it will cause a small increase, but when a person is travelling either for business or pleasure the forty cents means any difference in the trip, he must really be a genius to budget for such a trip. So the forty cents increase is worthwhile although Executive Council Members feel that it is not worthwhile unless it is four hundred percent or twelve hundred percent - I maintain that this increase is perhaps one of the most sensible things that Executive Council has presented to this House, not only in this sitting but throughout the tenure of my stay.

I have mentioned over the past two days that I'm not against taxation in a recession period, but this amount is such an inflationary amount that I can let this be an exception. The second part of the Amendment is introducing a new tax, that is a tax for the cruise ship passengers, but both main Executive Council and perhaps our beloved Member for Cruising has used some common-sense, common-sense that has been lacking for some instances which have been put forward, and I highly commend them for putting forward this. The proposed tax for the cruise ships passengers seems a bit stiff for an initial tax, but nevertheless the total sum is only a dollar sixty which is to U.S. dollars, and therefore I can give it my support. However, we must remember that we are just beginning to get into the cruise ship business. We have very small islands in the Caribbean that have three or four, I've seen as many as seven cruise ships in the dock at one time, in a small island in the Caribbean. So we're just beginning to get into the cruise ship business, and we must not frighten them away at the very beginning. Nevertheless, the tax which is proposed

MR. P. JAMES ROBERTS (CONTD.): ...Mr. President, for it is a small amount and can be well paid by the tourists.

The matter of the total tourist tax is something that we must handle delicately because we do not have a monopoly on the world's tourist business. We cannot adopt the attitude that we must ask the tourist to pay, and then he must pay. He's not bound to your home, he's not bound to put up with taxes which are unreasonable, and we must be very careful in introducing these measures. It is true that the travel tax in the United States is only three U.S. dollars, but even for domestic attractions we are far removed from the United States. It is true that we have good beaches and clear waters and friendly people, in fact for people like me it would be hard to find when it you travel all to the ends of the earth. But that is not all, we're limited in certain areas. For example when it comes to sightseeing you can see all there is to be seen here in a matter of a few hours. If you went to the United States you can travel for miles and miles, they have spectacular sights like Niagara Falls, Yellow Stone Park, I would go on Disney World, I spoke speak for hours and hours on the Parrot Jungle and their what not. The plain fact is that we do not have very much to offer the tourist. I maintain that our facilities are still poor, and at the present time we are charging exorbitant prices for interior services of getting away from that. The Department of Tourism may want you to believe otherwise, but you can stay in far better hotels for far less money. So we must not resort to stress the tourist by charging high taxes, by charging high prices, because we are just in the beginning stage. It is true that our tourist business is increasing annually, we will have an increase this year and the Minister has promised us that next year will be something to remember.

Nevertheless our Government needs more revenue, and I am one that is all for revenue particularly when it comes from outside, because our people in this island have been taxed high taxes, we pay far higher taxes than any country that has an income tax. The common labourer in this island is paying a heavy tax right now every item of food, every item of clothing, every nail that goes into the house, for means of transportation, everything is taxes indirectly through customs import duties. But nevertheless the plain fact is that every dollar that he spends a large proportion of that dollar finally ends up in the Government's treasury. So we need tax measures that will bring money from outside so that Executive Council does not continue to exploit as they have exploited in this session, and have exploited in their October meeting of Executive Council when they increased so many fees on so many things in such an exorbitant manner.

I have not suppose for the Bill before me, but I thought, Mr. President, it would be right to make a few of these remarks so that our elected members especially can be prepared for the consulting that is coming in the Budget Debate. Thank you.

MR. CLAUDE HILL: Mr. President and Honourable Members, I rise to support this Bill, a law to amend the Travel Tax Law. It is a very easy I remember, and it's very small what we're asking for, which when looking at it as the Honourable Member who introduced the Bill outlined it so clearly to us, that this is one of the means and ways in which we can achieve some money for Government, although it is small and it is also convenient to the tourist who paid the bill. The matter is that our money is 20% above the American Dollar, and this is where quite a few times with Americans spending their money they feel as if they have been taken in for a ride. And when you tell them it's a Dollar Seventy, or a Dollar Fifteen which they have to fill twenty cents more to their dollar to make it payable in Cayman money, this becomes confusing. I do not think for one minute that this will cause much criticism, and Mr. President, I wholeheartedly support the Bill, and thank you Sir.

MISS MARIE E. BROOKS: Mr. President and Members of this House, I support this Bill, because as I stated yesterday we need money to run our Government and this is only a very small amount. I don't know how much it will actually accumulate in a year, but every little helps, and I support this Bill.

What alarms me is this, that we invite tourists come here,we have so many beautiful beaches, clear water, friendly people, but I'm much afraid that the rates that are being charged in these hotels will eventually run away the people. Not very often do I have visitors, but yesterday afternoon when I went home - it was late in the evening a lady stopped by my house and wanted to see me, and she told me she was here only for a few days, we had some business dealing, and the weather was quite bad. I asked her where was she staying, she named the hotel, but she said that hotel was so filled up the evening I came in that I had to go to another one, and believe it or not, she said,they charged her sixty two dollars for one night at that hotel. Now I think that is ridiculous, what sleeping in a bed for one night for sixty two dollars, and that's Cayman money.

Now,Mr. President,I'm very sure that we do not have any control over this business, but I feel that the Tourism Board should make some investigation into such matters. Now this little three dollars that we are asking them to pay after August,wouldn't mean too much to them, and it will assist us. But I'm afraid that if these rates keep going up that eventually we will not have any tourists coming here. And I'm not anti Executive Council, I want that clearly understood, I'm not anti anybody, I'm pro; wrong things, and I feel that this is wrong. If we are to attract people to come to visit us, they must not be asked to pay exorbitant amounts for one night's sleeping in a hotel. Now this lady,if I may say so,is no less woman, she has money to flaunt around. I didn't put any because I didn't want it, but I know she has a lot of money that she helps a lot of people with. And I feel that we should do everything to encourage people to come here, but I'm afraid that any less than half a millionaire cannot afford to stay at these hotels on this reach. And I also heard this week that there are certain individuals who have houses galore that they are trying now to get some law effected, I don't know how they will do it, to say that you must stay in certain people's houses, because for instance if I am a foreigner,I would turn it, why has build a house,and I care to rent it out for the summer months or whatever time I'm not in it, that some of these people,Caymanians,are trying to induce somebody to increase a law to block that. Now after all I feel that when people come here they should be allowed to stay where they want to stay, and if I be a foreigner have a home built, and I want to let people occupy it, whether for a rental or for nothing, that there should not be any law to block that. After all we are a free people. We are supposed to be living in a democratic country, and I do not think we should do anything to stop tourists or anybody else who might get a little pleasure that living in a four or five hundred dollars a month rental home, that we should do anything to stop them. And I implore the Executive Council that if and when such a motion is brought by anyone, whether they're related to these people who are stating for this thing or not, that they be conscientious enough not to follow something that everybody wants do. Thank you,Sir.

HON. V.H. ROBERTS: Mr. President and Members, I'm very fortunate that there is no objection to the programme legislation dealing with tourism, but I thought that I would make a few comments on this since it has a particularly with the tourist trade.

As everyone knows the beginning of this year saw the first scheduled cruise ship coming into the Island, and this has continued, and according to the scheduling for next year it seems that there is going to be no interruption. And it is very unfortunate that we didn't know two and a year ago so that we could collect some of the money now

Hon. M.H. Ochoa (Hon'ble) another time at the end of next year. But why this has to be a 5,the Third Official Member said, however, is because these charges are included in the fare, and the shipping company pays to the Government rather than the individual persons; this is why we have to give the shipping company sufficient time so that they could build in these charges. This is a charge of two dollars U.S. approximately one dollar and sixty cents C.I., which is an average charge that is put on cruise ship passengers around the Caribbean area.

Now this brings us to the point of cruise passengers, as everyone knows that we're very fortunate this summer to have had cruise passengers coming in here. Of course we do not extract the surcharge from these persons as we do from regular tourists who come in by air. It is a small sector of the community that could, and draws direct y from this, it is the shopping, the buses and the restaurants and a few bars, and the taxis.

Now this brings us to a point of order. Much has been said about the rates, it is true that the rates on the West Bay beach are high, there is no doubt denying that, but on the other hand one has to take this and measure this against the cost of services. When one sees that a hotel on that beach pays not something over Sixty Thousand dollars a year for water, an item of water that you don't see, when you come on electricity, when you look on the wages that are paid out, when you come on the maintenance that is paid out you can really see why rates have to be charged. And again these hotels are resort hotels, whether they are up one hundred persons or the resort hotels situations is another question, but situated on a beach where people have a freedom of movement, freedom from crime, a beautiful beach, beautiful water, and in a setting like that naturally one has to pay for it. I'll name one hotel there as a chain hotel over here, you take the Holiday Inn for example, and there's the Holiday Inn,there're hundreds of Holiday Inns around the world, but I would put the Holiday Inn in West Bay seven with any Holiday Inn I've seen, it compares well, and above many in other parts of the world, the setting alone is superior to many where I've been in. So when someone is asked to pay a little higher, I don't think one should feel so upset over that, and the debate on this brought to mind that one should think of tourism even though I don't want to delve too much, I suppose this will come in the Budget debate.

Speaking about an individual coming here to do business, it is true that an individual coming here to do business, and has to stay in a resort hotel, surely that's expensive, in other parts of the world you have business people hotel, businessmen hotels close to town, transportation is close, you get a clean bed and that's all you need. Most of our hotels here we have the beds at a such that when you pay sixty five dollars for a room, you are usually paying for two beds. That is what brings the cost up I don't think truly that we should worry too much about that. I believe today that we are attracting the type of people that we want to attract. I believe they are the people who can afford to pay, and who want to pay to enjoy what we have, and they are going to continue to do that. and the projection is that a bit more people are going to do that.

This increase in charges here is very nominal, I noticed that the Member in giving his presentation however didn't mention that as a One hundred percent increase, he was quick to catch on that the other one was a 20% increase, but he deliberately avoided telling people that this last one was 100% increase. It is 100% increase, but you know sometimes we have to put 100%, and I must make this statement,much has been said about the kind of I would say, taxes and irresponsible manner that the Executive Council are considered putting on increases, but on the other hand I am sure that if the Executive Council had followed the suggestions of the very Members that are opposing today, and unanimously today, if the Executive Council had followed their demands for an exhibition for my district, and this is my district, and something else in another direction, and this and that and the other thing, the increases would have to be more, if the Government was going to have to do that. It is fortunate

HON. W.M. [illegible]: ...as I said, some thought criticism has been levelled and I believe today that when one takes percentage one can take a good mathematician to like the devil with the figure, we can take them and use it to his convenience, and I think that the member on the other side is a good mathematician and he's using those figures to play with, and he's doing a pretty good job. Nevertheless, if it wasn't for the good mathematicians in the Government we would not have been able to achieve what has been achieved up to this point. I know that, and I believe I said this at the beginning that no one wants taxation, this is something that is to be considered would write, but one has to be realistic about it. If we want something we have to be prepared to pay for it.

I was not too happy about the suggestion that we should let people from outside bear the brunt, I'm not saying that the outside people should not bear a portion of this, but I feel today that we would be looking at our responsibility to expect the outside people who come here to bear all the brunt of our expenditure here. One can remember that this has been the way of life here, politicians of Her Majesty's Government, Her Majesty's Civil Servants and Governor and what not, territorial advisers, and yet on the other hand in the past on Capital Expenditure in the development of this territory has been borne quantly by generous gifts made by them.

I feel today that we are a responsible people. When we make legislation here we should take into consideration that whoever comes to this territory to live or move, or have his being he should come under the jurisdiction of these legislations, and we should not just because we are having here be tempted to sustain of our responsibilities. I think we should look when it comes to this, and not because 1970 is an election year, or that crumbs want is being set for opposition by the Leader on the Budget Speech, I feel that we have a responsibility to do and we take, and we should look at legislation for increased taxes this. Some people today are better off to pay than others, this happens in any country, but I'm sure today that in the public services whether one can pay equally as the other person or not they get equal services and if we are going to provide the services for our own people and our Government who come here, there has to be certain amount of taxation whether we like it or not, if we are going to provide the services. So I support this Bill, Mr. President, and I feel sure that this will go a long way in preventing some of the casualties for the benefit of this country.

MR. [illegible]: Mr. President and Honourable Members, I'll have to say as the old lady when she got into church after a long bad winter, she started using her little hand fan and said I was able to make it, I was able to make it. And then applies to myself this morning, I was able to make it, but if the rain continues I think I will have to get a boat home since the beach facilities and not there to charge it to Government.

I, Mr. President, wouldn't hesitate to oppose any payment on this [illegible] of taxation, because it primarily applies to the tourists coming to this country, not the Caymanian, or the local people. I'm not going to go into this in no detail at all, as I said I will give this my wholehearted support, whether it will increase the tourists, whether it will reduce them is left to be seen I suppose. But I read in a magazine not so many weeks ago the words from the Minister responsible for tourism that Government has not decided whether we wanted tourism or not, so far as I'm concerned I can give this my full support and if it takes any effort it's all the same to me. Thank you, Sir.

MR. [illegible]: I'm going to read the exact words, I can show you the magazine here if you want. It's your words, it ain't mine.

MR. PRESIDENT: Remarks address the Chair, please.

MR. [illegible]: Sorry Sir, I apologize.

MR. SPEAKER: If there's no other speakers I'll ask the Financial Secretary to reply.

HON. V.C. JOHNSON: Mr. President and Honourable Members, I don't think there is really any need to reply, because everybody has supported the Bill which is on now the last two bills that we dealt with. However, I think there are one or two things that I would comment on.

The various measures introduced for accommodation have been carefully looked at as I mentioned on many occasions, and although some items have been increased a hundred percent, and in some very isolated cases - twelve hundred percent increase was mentioned, this was considered normal in progressive taxation. The same rule was applied in this case in considering the travel tax (amendment) Law, but Members must also remember that when we are increasing travel tax by forty cents this is being applied to a traffic of seventy thousand people a year which will produce a fairly substantial sum of money. When one is applying twenty five to ten pounds tax on the island, it's being applied to perhaps twenty or twenty-five businesses, which would only produce a small sum of revenue. And so there is the same - applied right through, while now tax may be increased a hundred percent the other twenty percent, it's all done on a reasonable and available basis.

A further point is that I don't think that this Legislature Assembly should be very cagey in pronouncing taxation on people from the outside. We have been called a very friendly people, and I think this is one of the blessings of the Islands today. One of the things that has created prosperity within the country, and when we think of taxation we should think of it in an equitable manner to be applied to one and all on the same basis. In the Budget Address I mentioned that over the last decade one can look at tax measures and we will see that the majority of increases have been contributed largely by non residents, this was perhaps claimed to be so although publicly we would not want to say that we are taxing non-residents.

The economics of the island - main components are tourism and the off-shore business, both of these provide employment for local people, people who have had to battle their way to see and to other parts of the world to find employment, they're now being employed locally and being involved in this economics. And so the local activities are beneficial to both outside people and the local people as well. And so it is unfair when we're introducing a tax to say that because it is applying to outside people there's no objection to it. The travel tax is not applying to outside people alone, we have a lot of Caymanian travellers who will pay the same increases as well. I think that we should confine these matters generally and not apply them on an ad hoc basis to certain and specific people.

Mr. President, I think the proposal is being supported by all Members which I is very grateful, and I will now ask that after the Second Reading we go into Committee to study the Law clause by clause. Thank you.

QUESTION PUT: AGREED. BILL READ A SECOND READING

COMMITTEE STAGE

MOVED BY HON. V.C. JOHNSON
SECONDED BY HON. J.D. WALLER

QUESTION PUT: AGREED.

HOUSE IN COMMITTEE

CLERK: CLAUSE 1 SHORT TITLE

QUESTION PUT: AGREED. CLAUSE 1 PASSED

CLAUSE: CLAUSE 2 TAX 1 OF 1965 AMENDED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED

CLAUSE: A LAW TO AMEND THE TRAVEL TAX LAW

QUESTION PUT: AGREED. TITLE PASSED

MOTION PROCURED:
REPORT THEREON

BY HON. V.C. JOSEPH.

SUSPENSION OF STANDING ORDER 54

MOVED BY HON. V.C. JOSEPH
SECONDED BY SEN. D.V. BUTLER

QUESTION PUT: AGREED STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE TRAVEL TAX (AMENDMENT) BILL, 1975 THIRD READING

MOVED BY HON. V.C. JOSEPH
SECONDED BY HON. D.V. BUTLER

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

DEBATE : APPROPRIATION BILL

MR. CHAIRMAN HILL: Is there no it Mr. President that I have to start the ball off, although the music is not suiting my dancing, so I will start the ball,sir.

Mr. President and Honourable Members first of all I would like to thank the Financial Secretary for an ably and as well put together his Budget Address. The economy on the economy of the country in the year 1975 was confronted with the recession and the months and we would say ten months later we are still struggling against its effects. We here in the Cayman Islands know we are dependent on tourism and all-round financial industry, and we have not in no way escape world recession. I think that in 1974 when the last Budget was delivered to us we were aware of what was happening to the economic scene at that time. The slowing down of private sector employment, I'm glad to learn from the address that there were resources available to take care of the short fall. In these islands we depend on businesses coming from abroad, and that is what happens in all islands mostly in the Caribbean.

In the Financial Secretary's Budget Address he stated that the budget was presented with some uncertainty, for we have to watch the improvement and operations that exists abroad. He also gave us some figures relating to the population which was in 1972 twelve thousand seven hundred and twelve, and out of this number there were: of four thousand six hundred and four that are gainfully employed. Again we learn in 1971 tourism was experiencing a fall in traffic, and the hotels occupancy has not increased as quickly as arrivals. The cruiseships brought a new trend in tourism , they have brought approximately between in 1974 about a million dollars would at present into these islands, we learn four also from his figures, and he also stated that the financial industries were holding on quite well in spite of the recession which is good for us to learn. The confidence must be upheld and the stability of the Government of these islands. Although we do not hear much about more increase going to the recession , I am sure that that is one of the main reasons why there is no

HON. GLADYS MILL (CONT'D): ...increase in wages at the moment.

The Government of the Island was established in late 1975 with an inspection service in the banks. We also understand that the banks and trust companies have assisted the inspector in the performance of his duties. We here have seen, I'm sure, have felt the necessity of having such a person as an inspector. Again on the banks, mention was made of two hundred banks licensed here in different categories and trust companies, and a number of these companies and their institutions continue to grow. The increase of six hundred and twelve that a minute reported a year ago, that is quite a lot of encouragement, although we are confronted with recession yet to have a growth of six hundred and twelve companies coming in and filling the gap. We also learn that many more leading financial institutions have established businesses here, and this is done in the knowledge and consent of their governments. I am sure that the citizens like Cayman because of the advantages, privacy and such, this also will benefit the economy of the Island.

Now I touch on Agriculture. Agriculture is always looked at as something very interesting, and each one should become interested in agriculture. We learn of the purchase of twenty eight acres of land which will be made available for diversification. However, I would say that the Cayman Islands should be much more well supporting when it comes to agriculture, and I cannot see why pieces of it as grass here are sold at a par with coastal lands. But I feel that if we start some form of employment a market or marketing of goods that are grown in these islands, I think that this could bring us and to the expense of cost that may try to get at. The Chamber of Commerce should support local products. In fact the Financial Secretary told us we hope that that would be called an agricultural year. I think that that is a very good idea, and I feel that each and everyone should move forward to make 1979 to an agricultural year.

Dealing on irrigation, and the cost of living - Inflation is becoming a bad story in the eyes of many. The percentage quoted as we see it indicates a downward trend. On planning, when dealing on a draft Development Plan, there is a matter where we as legislators requested that this Plan be produced and presented to the Legislative Assembly in 1976, that was the project of the Assembly in 1977. There have been varying views expressed on the Plan, I would say from complete acceptance to a total rejection. Some people feel that progress has been set aside, but I would like to let people know that the Legislative Assembly has the final voice in accepting or rejecting the Plan. The Plan is a requirement of law which came in effect in 1971. A member of the Legislative Assembly at the end of 1978 was to present the Plan to this Parliament by mid 1979, that was when the opportunity was given for objections and suggestions. I do not blame for one minute that anyone who was in this annual session would like to extend the progress of these islands, but at the same time I think that we should be very careful as to how we move about the Plan.

Ways and Revenue and Expenditure. The construction industry had a very trying time, I would call it a blow dealt. One thing for sure was that Customs Duties in [illegible], the importation of goods was one of the things that was affected and shows signs that construction had dropped to the bottom. I am hoping as the Financial Secretary stated that the new Law increases on companies and Bank and Trust Companies licences would keep on to help us as it has helped.

Dealing on Health and Sanitation and Social Services, we understand that the hospital phase I of the programme has been completed, and there are some signs of improvement shown on the building, but we hope for a better and efficient service.

On Education it is called the biggest spending, and I do not think for one minute that this should not be. If we are to manage the children of today who will be the men and women of tomorrow. They can only learn what is there for them, and as we as legislators never give, but keep a close watch on the action of the school. I am sure the Member whose portfolio this comes under is aware of quite a bit of rumours that exist from the school, I personally hear it, and as the Lady Member stated some time to me I don't go and seek it, and where there is smoke there must be fire. I don't expect here to make no speculations to anyone, I don't feel that it is right, and I don't think for one minute that we here should indulge in such gossip as ours, which when looked into turns out to be just

MR. GRAYSON HILL (CODP'D):(cont'd) ... but at the same time there is nonetheless strong consensus as far as the Comprehensive School and education are concerned. We learn of the Community College which is designed to offer adult education, and we learn it is off to a good start, and self supporting that is very good. I hope that will continue.

Now on National Council of Social Services, we hear about their activities in various districts, the committees and the funds raised to support community and social and buildings renovation. The question arises where is all this being done. I am aware of the fact that it was only started in January, but as I say I do not intend to make comparisons or answers, but this is one department that a question arises, are we doing the right thing, are we going the right way, what is the right way, who will show them the right way.

We go to Mosquito Research and Control, we learn in the last Budget address before this one that the Unit was confronted with problems and new technique that developed this year which can replace expensive drainage back hoe. It's quite understood by all I'm sure that the control of mosquitoes is not an easy or simple task. One must realise that with the control of mosquitoes we get most visitors to our shores, one must face it, the mosquitoes ... not as they were some years ago. The Unit has done a wonderful job in various parts of the Islands, and as I say try it continues to do a good job because I can remember when mosquitoes were so numerous that at certain times of the year and with the noise that we are having now I don't think maybe days either with the water that's on the land and the breeding centre ... we would not be able to encourage people to visit our shores, and we have who live here would not be able to come out of doors.

Dealing on Savings Bank and Customs House: I am very pleased to learn that the Government Savings Bank was not taken over by Caribbean Commercial Banks, and Government has promoted the Bank by improving deposits and investment portfolio.

The Customs Hall appears to need urgent attention. The announcement as to re-organize the whole thing that's from the Speech. It comes under the management now.

Dealing on the Police we learn that the Police Department took two changes this year, and that was Immigration Service and Transport Section. The Commissioner of Police is appointed Licensing Authority under the new Traffic Law which makes all responsible for licensing and collection of fees. It is quite true that these changes have brought more work on the staff. But let us hope that this will prove more convenient to the public, as one has to go and wait from one office to another to obtain a license for a vehicle.

Dealing on Capital Projects, as we were told in the Financial Secretary's Address four big capital projects, namely Administration Building, Roads, Port and Airport Terminal building, they ... made remarkable progress except the Airport project which has only got on to first phase.

We hear that the Administration Building has 30,300 square feet of office space, an impressive ... it appears to be all glass, but what worries everyone is that ... they need is given an easy way to take a deep breath of smelling salts. Like everything one never knows. I must say this is a fine building, we in the Cayman Islands should be proud of it, it's very outstanding, and as was said it will serve these Islands for many years to come. Very few Islands in the Caribbean can brag of such a building I'm sure, and although we may have to take a deep breath when we hear the cost, let us hope that it could work the other way instead of having to see stars we have to take smelling salts.

The Port Project, I have to smile - It's finally arranged as the Financial Secretary states and Caribbean Bank provided $2.2 million made up of $667,000 at 8 percent and $1,343,000 at 4 percent paid within twenty years from the first drawdown. The main project is over

will cause him to withdraw millions, including a Customs Administration Building, equipment, classes, consultants fees, dredging to a depth of 11 feet against the original plan, and the total cost could amount to approximately $4 million. We know that now must beyond $3.2 million will be borne by Government. I am only hoping that we could get this done for $4 million. This I am sure would let everyone here be very happy if it could be done for that sum.

On the Airport I must say that the first phase of the Airport provides a freight shed and a water tank. The second phase will consist of a terminal building and parking areas but it seems by the address to have set back as the bank that was asked was not able to provide funds for each a project. Mr. President I am sure all of these projects were estimated to have cost Government a certain amount of monies, but being aware of the recession these things went beyond figures that were given in some year they were sought to be built.

Dealing in the Broadcasting Station I see where it is nearing completion and should be on the air in January of next year. The delay is caused by late arrival of material and equipment. Let us hope that this Broadcasting Station will not fall into Government's hands as did the electric company.

I see where Cayman Brac and Little Cayman are still struggling, they are always hung on - the oil storage seem to have had its setback. I see where the proceeds of this storage would have constituents to deliver oil that was stored in Little Cayman to Cuba.

It is very outspoken of the Financial Secretary to say that never in his eleven years in office how a budget been prepared against a background of more international uncertainty - great words. His promises is not an easy one, and we should all try and make things as easy as could be expected, as we here all know what is happening not only in Cayman all over the world.

On New Revenue Measures I see where a deficit of one million dollars is sure, a matter of some concern, that is if we are here in this Chamber and do not try to make the best balancing of this Budget. Additional revenue must be had, and as I see it I don't say it to go along in total, but we should all consider when dealing with the Budget. We have before a few proposals placed before us, to a certain extent I am sure we could run the risk aground which we are only suited. Proposals are such Hospital Fees, which have not been increased a matter of nine years. The Traffic Law fees being increased on all vehicles - Cayman Protection Law also an increase on work permits. Much has been said about this department, some call it destructive, more a protection. I dare not call it a destruction, each one has his or her work to do, and it can be only expected for each one to have his own views on something.

The Lands Office Law did an increase in stamp rates - Lighthouse Law which is now increasing a new form of charges on vessels per trip instead of per annum. When I get to the Customs Law, the registration of vehicles to left/s which I do hope the book in which Customs uses they call the Red Book will be used up to date instead of producing a book which is antedated. Some how by the book being out-dated the value of the car would be dropped, that is not so. Another thing I would like to see, if the buyer produces enough evidence to prove that he's not giving a wrong cost in buying a vehicle overseas, this also be accepted what he produces, and don't refer him price in the Red Book to the buyer.

I see where the Cayman Islands have become an associate with the European Economic Community, they've formed a treaty. I'm wondering if an assembly of vehicles could be implemented in to these Islands which would give labour to many in regards of assembling vehicles here, and it would bring the cost of vehicles down.

We have the Companies Law, this seeks measures to amend the Laws in companies non-resident for Exchange Control purposes. This is done for freedom to operate off-shore.

Then we have the Trades and Business Licencing Law, a law for which would take care from a new to a super market, placing in different classes which it was once under one category

MR. CLERK: (Cont'd) And I also mention that Cayman Brac and Little Cayman will be charges under the Trades and Business Licensing Law, which gives them no incentive, and I'm sure they need such an incentive.

Then we go to travel tax, the increasing of a few of the dollar to sixty cents on each passenger which will commence on the first day of August 1977. I'm aware that it takes time to get these changes operational, most of the passengers have already planned their trip, the itinerary has been made out, advance booking, and some might not even care to pay if we were to put it too heavily a price.

Mr. President, the Financial Secretary has clearly outlined his views as far as taxation is concerned. Taxation has and always will be a big issue, but I would say the people are to get everything that they want and taxes must be looked into, and we must pay for what we ask for. I'm very glad to learn that Government does not want to introduce a land tax or property tax.

Speaking under Recurrent Expenditure we learn that the estimates for this year have exceeded the provisions of last year by nearly one million, and this is distributed to all departments with the exception of Public Works.

Under the Services I see where funds were not available to support all the requests by education given two thirds of the money. This is very sad to say under Local Revenue Contribution that it is not known when the Port will be completed. Under British Loans I see where projects under this section have been completed except the Cayman Brac airport which should be in 1978, another long one. Then I see where this Local Contribution was divided into three, and each of projects under this section are financed by three different loans. One view that Capital Programme we learn that the Government is possibly the end of the five year development programme.

But what perturbs me is, I see again as I mentioned before dealing on Civil Service an extra adjustment in 1976. This shows that everyone who worked in the Civil Service must be wondering if they're getting any advance or any increment. I hope it can be understood that these adjustments will be made if and when money is available and recession world wide hopefully control.

Mr. President and Honourable Members the confidence in the future of the Cayman Islands depends on the Government, and this turns to the Government then in this Chamber. We were in this Chamber aware of the economics that the world is faced with, and I feel that as we move along we should be cautious, move along slowly, and also carefully. I speak this with no political aspirations. It was said that 1977 had shown itself such a year I would not say of disasters but of recessions, that people have no confidence in their representatives. I hope that they would forget the past and look forward to the future, and put our shoulders to the wheel. It is not so easy task with all the projects that Government launched on, and so far have completed some of them, and appears to complete the rest if nothing worse happens. I feel Members in this Chamber have a job to perform, and I don't think that any Member here would work if [illegible] but the same there it is very discouraging to hear people talking, should I term it nonsense, but sometimes out of frustration one can feel very glum and very dead. The only thing that I can trust is fit for Members in general to do, and that is do not listen too much to gossip. I thank you, Sir.

MR. PRESIDENT: I don't want to use anybody off in mid speech, and it's now twenty five to one, so I think that this might be a suitable time to suspend, and we'll resume again at two thirty, earlier if Members want, but normally we would resume at two thirty. So I suspend until two thirty this afternoon.

SENATE PROCEEDINGS
HOUSE BUSINESS

MR. PRESIDENT: Please be seated.
Proceedings are resumed, Senate on the Appropriation bill continues.

MR. JOHN CREEBASH: Mr. President and Honourable Members, this session today marks the Second Session of the Legislature of this year 1975, and most important is the Budget Session, a time when Government's expenditure in the next year is tabled. It is not what we need and what we can afford. This fortunately is my eighth session, and if Christ carries I shall like to think I should be returned to this House once again by a mandate from my Electors, and people for which I feel I have enjoyed well. Yet since one is always aware that in politics anything can happen, and since that is true I shall not be in any hasty or rash to finish what I have to say.

We've come back today Mr. President after a year of which we have seen a slump in tourism, having been faced with the problems of unemployment due to a lull in the construction business of the world economics. Of the past years things were done according to the availability of money, more on a matter of what we attach most importance to. At the end of each year the things that weren't done at least there was money in the till to show. As the financial conditions got better in these islands the cry for more and better services grew louder, and they in my opinion were legitimate, and so we have changed our policy of going on a pay as you go basis and now we borrow now and pay for that later is a policy we adopted in the last Budget Session of 1974. To date I speculate that's fine; what we have, now let's not fail to recognize that there are other needs, but at this stage at the time when we have to narrowly consider what is a matter of priority.

There is no need Mr. President, I the statement has been made and no doubt it could be true that we have dragged on the work in various fronts the Airport Terminal, well it is always easy to say one what somebody has done the other, but I know that both as projects that are very essential in these islands. We must do what we can Mr. President to end costs and wastages where they are still known in this island which surely is still being wasted. We must insist on getting a dollar's worth for a dollar's worth in labour. We must pick inefficiency in our Government as have there did brought our Civil Service up to the stage where we feel that can decently live and support their families, and that is the way it ought to be, that is the way we've said it must be. But let's look as we think about the financial picture of the several in the order of things it regards to the Civil Service. I know a few years ago and not too far when people in the private sector laughed at those in Government, Mr. President, but today we see the Civil Service brought up to a stage where they can decently live, and this year during the recession civil servants were in a far better position than most of those in the private sector. Well now I am still somewhat blank those in the lower levels to which was the ultimate reason for dealing with the salaries in Civil Servants anyway. But Mr. President this is not a two way street, in return we are expecting that it will provide for us service, loyalty and dedication. This is what is needed more than anything else in our Government and in our Island, be it Government or private sector. We have succeeded for the Civil Service the Administration building of which I believe every Civil Servant and every citizen of this country can rightly be proud. I trust they will not hide themselves away in their various offices, but they'll think of providing for us more services and better services.

The question I'm having today is why has God dealt so graciously with the people of the Cayman Islands? Of course that question I would like us, as I pose the question I would like to partially answer that question. I think because I should that these islands have been known as God fearing christians in spite by and large[illegible] We have no desecration of the Lord's Day or Sunday, our moral standard were high but tragically our wickedness and our nature tend to decay. Let me record a warning, the Good Book

Mr. Hall-Jones (1977) says righteousness exalteth a nation but sin is a reproach of any people. If we as a people do not get back to the stage where we pay due homage and tribute to God, I'm afraid judgment and wrath will be visited upon us.

On the eve of a new year let us where possible, as I've said before cut our spendings, eradicate our waste, and that this year we do more to consolidate what we have. Let us get our Rural Programme finished, our back build, get our Hospital complex speeded, and let's get a decent road to our Hospital. I believe for what it would cost in terms of what our people deserve I believe we should do everything possible to landscape it, and make it look the way it truly ought to look that would enhance the image we are trying to create Cayman Islands. Let me say, Mr. President in the vein of austerity/spending, let me say that as far as I am concerned there are two things that I would like to see done at the Hospital, and two things that I am not prepared to let go even if it means that we must find other ways of raising revenue. I want to see a doctor on the Hospital overlook Tummy four hours per day, and I want to see a Sister on Ghaun Services twenty four hours per day. I think this is asking very little, Mr. President, but who knows may be the lives of the members of this Legislature might depend on whether or not one is there to save their life.

We've been here today in this debate on the Financial Secretary's Address. Let me state emphatically that as far as I'm concerned anyway, that I feel we believe that a cut of expenditure can be made I'm going to use the phrase, and that I think there are going to be times when we are going to transfer it from one place to another - 1978 promises to be a better year, and let's hope and pray it does. Of course we will not keep on this way. I believe in the time run this year will prove in the history of these islands to have been good for us, it'll help us realize that we have to remember while the sun is shining one of these days there will be rain. I see Mr. President, I'm looking at the summary of revenue, I note the revenue in 1977 was estimated at $8,860,000 yet it had to be revised and surely only $6,500,000 came in, it does tell us that things did slow down.

Let me compliment the Financial Secretary on his Address. Blunt, plain facts, and being very realistic, and personally I think we owe much to this gentleman, I am sure that many times while we are asleep we might the oil is burning in his home to enable him to balance his books, and be able to look after the finances of this country. I want to pay a special tribute to our Financial Secretary which I think is well deserving all the hard work that has come into our Labour over the past eleven years. As far as I'm concerned Mr. President the Address was somewhat cloudy and dark, sometimes very misleading: I was sometimes as far as I'm concerned there were shades of Simon, yes/the world which we live today where there are so many unscrupulous, who for sure can be certain of anything. I would have hoped that the Financial Secretary's Address this year could have reflected the prosperity, the cheerfulness that I've seen reflected in the past seven Budget Sessions. But Mr. President, we have to be realistic, we have to call things just what they are, things that are black must be called black, and those that are white must be termed white. There are some also about the shortcomings like they seem to get back out of it when they can point to the fact that somebody made an error, or somebody's prognostication was away. But I think we are in the same boat, it is with God's help that we can continue to prosper this ship sight.

Mr. President, even though the Financial Secretary's Address - as far as I'm concerned compared with those of past years been gloomy. I will not leave this debate ending up on a tone of pessimism, for that is corrective, but I must leave this debate on a tone of confidence in the future - the future is as bright as the promises of God. The Financial Secretary's Address as I've said points to a day of re-examination, one taking a close look at ourselves and our priorities in the light of all the uncertainties that never much must we convey it beyond the horizon. But let's get it all out, we are going to go forward during the hardships of this country. We have had a tough year, it hasn't been all roses, it was been one of the toughest years of my own life, our

MR. MCTAGGART (Clerk): It has also been one of the most rewarding experiences I've had.

I'm glad in 1974 that Government embarked on what has been termed "a spending spree", a spending spree on essential things that the people of these islands need. Had Government not embarked on this type of policy and economy during this year, Mr. President would have come to a grinding halt, as unemployment was a thing that was as real as the walls of this Legislature. I do say, to say that I feel that our people deserve the best of everything, and I do know this is what we've been trying to provide for them, things have slacked down and where hasn't it slacked down. What government anywhere in the world that hasn't been faced with the problem of unemployment, the problems of money to buy the essential things of life.

We have come here in this session to provide additional tax properties to increase our revenue, this is no doubt by a number of people receiving a lot of thought, but, Mr. President, we cannot as leaders fail in our responsibility. We cannot fail to lead our people, to realise that if we are, and in these last years trying to provide for them all the essentials of life that we have been able to do. Now that we've had a little slump Government needs revenue, where else must we go but to ourselves and our people and say the services are provided for you, and we have to shoulder getting our backs and shoulder our share of the responsibility and as we go and weep and mourn the day realise that it is better time to unite, it is a time for us to stand together. We regret that in so many instances the improvements put forward are more to discredit this Government, or more to say that everything we're doing is wrong, than to lay to put our hearts and hands together and garner the ship in the time of storm.

I haven't written those down in chronology for order Mr. President, but I'm going to deal with them as they were in the Financial Secretary's opening for his address on the first page under Planning. Planning became a subject of more interest during the year when the Draft Development Plan went to public viewing for comments and objections. The Plan is a statutory requirement under the Development and Planning Law, 1971. In late 1973 the Legislative Assembly approved that it be produced and published by the Legislature not later than mid-1975. Because of extending the period for public viewing of the Plan by an amendment to the Law, coupled with the delays by in appointing a Chairman of the Appeals Tribunal which will consider public objections before submission to the Legislative Assembly, it will not be possible to present this Plan to this honourable House before March or April.

Mr. President, it has been said about the proposed Development Plan. As far as I'm concerned the proposed Development Plan has never been presented to the Legislature, so up until now it hasn't been too much of a worry to myself, remember as the previous speaker said the only one that can make the Development Plan into Law is the Legislature, and had it come before the Legislature at a time when it was presented in the form it was presented to the public, the Legislators might have had more to say about it than what the public did. But I'm saying this, that we need a Development Plan, and we are just on a little further than that, and say let us change our course, there is nothing that you will ever do in the Cayman Islands in relation to land that all hand there will be a hundred percent accept by the public.

I remember when the Land Adjudication Law, Land Registration Law was introduced there was a lot of unnecessary, there was a lot of unnecessarily, there were a lot of people that said what they thought or what they believed. Yah, Mr. President, the Land Adjudication and the Land Registration Law have worked, and the adjudication of these Islands is nearing completion, and I've heard predictions over in more Islands that it will be a mighty long time before the adjudication process would finish in the Cayman Islands, but it is nearing completion, it is working, it is the best system that has been proven anywhere.

HON. JOHN MCFEE (cont'd): Health and Education on the eighth page. We see the Financial Secretary Health, Education and Social Services, last year I mentioned in the proposed Hospital rehabilitation programme. Three of the programmes have been completed. The Hospital complex has been greatly improved in accommodation and facilities and in health care. Other improvements include a new laboratory in the Public Health Section fully equipped for water testing, and also a bacteriological testing lab. All these additional facilities should now guarantee the public a better and more efficient service. It is planned that Phase II of the Development Programme will be undertaken as soon as finances can be assessed.

Then he goes on, Mr. President, and says that Education continues to be the second biggest spender of public funds. Mr. President, surely we are spending a tremendous amount of money on education, I remember in the last Budget Session having said that the Estimates for education in these Islands last year's Estimates exceeded what the whole national budget was in 1969.

Mr. President, there has been a lot said about our Comprehensive School - Cayman Islands High School. A tremendous amount of effort has been placed around that school. There have been setbacks, there have been disappointments, but there did the Cayman High School is working and it's working well, and our achievement for 1975 is a remarkable achievement. I'm hoping that now on Cayman High School is going to be having smoother sailing, there'll be more people pulling on to the ship, not as much effort being wasted or need to modernize and scuttle that organization.

I have a proposal that I want to lay before this Legislature, coming out the Financial Secretary's speech regarding about the expenditure on tourism, our children from the various, I've had a lot of parents made comments, a lot of people were concerned. Mr. President, we learn that someone has been brought into this territory to survey on a canteen at the school. My contribution here is let's take that hundred thousand dollars and provide a canteen for our children, and let's have parents that are giving their kids a dollar or two dollars a day for lunch, let's ask them to take part of that and pay for their fare next year. I think if we are going to progress educationally our children must have more education, and if they are going to be able to learn like they should, nutrition is something that is very essential to them. We are not attacking anybody, but what we're saying is that since our parents have to spend probably two dollars a day on lunch the money that we're spending on feeding that money could go towards a canteen, and the money that we're giving to our kids for lunch, the funds that are being charged at present could be paid out of that.

I think Mr. President reading from the Financial Secretary's address on page eight, a student loan scheme between Caribbean Development Bank and this Government was introduced during the year with supporting legislation whereby the Bank will be making available to Cayman students loans for the purpose of pursuing approved courses of higher or technical education in learning institutions of countries associated with the Bank. The sum total of the loan will be eighty-five to be administered by this Government are distributed in the first instance through the Education Council. Government will pay interest at 4 percent per annum and the student 1 percent per annum. Note will apply in two years. Covenants is given 5 years moratorium and the students are to commence repayment 12 months after successful completion of the course for which the loan was made. The criteria under were included too late for the consideration of the present school year, but it is hoped that the scheme will prove useful to students who wish to avail themselves of the facility and who can qualify for the assistance.

Mr. President, there is a tremendous need for our youth to specialize in higher education, and I believe that this opportunity is only the beginning that will enable the, to be able to do what we hope that they can. I think the terms are very reasonable, repayment for the student doesn't start until thirteen months after he has successfully completed his course, that gives him time Mr. President to take advantage to begin to repay what has been loaned to him. In the other sense it gives him a sense of responsibility, a sense that he has earned what he has, and so

MR. JOHN JEFFERSON (CONT'D) ...in turn will reply.

Mosquito Research, Mr. President, for last year a lot has been said in relation there to mosquito eradication. In fact so much has been said that the Member responsible brought with these Islands when a week ago a team of experts that would advise this Government on what is being done and improvements if any. There is always jealousy among experts, and it ought to be used locally, but let me say this in spite of what anybody says the Mosquito Research has done a tremendous job, and is doing a tremendous job. Mr. President, I am only a man of forty eight years old. I remember when I went to school what a misery it was, we took our snacks (corn with us along the road, so that we could chew. In the home smoke was a way of life, we had to provide wood, we had to provide things that would give us smoke, at the whole up until seven nine o'clock in the morning, and from about four o'clock in the afternoon.

We have seen the last two years such mosquitoes, and there're certain parts of this island that there are times still get bad. But Mr. President when I think in terms of resources, a country like the United States the programs today has been on one for long, and the available funds that they've had to use, and still in Florida and Texas, Louisiana and many of those other states mosquitoes are still a problem, and will still be for a long time to come. So by me I'm concerned those experts that are brought in, and we should have somebody checking on other people, because this is good for them and us. But I believe what was said and the first report is not here yet, but I believe what Dr. Brunson said only strengthened the fact that our Mosquito Research is doing a tremendous job. I wish that there were a dozen other departments that were as efficient as the Mosquito Research. So I've said we still have some mosquitoes, but re-reveals the position that we are in today in relation to the control of mosquitoes is something that I have never believed would have been possible in these islands. And I for one am very grateful that we've been able to control them at the manner in which we have.

Mr. President, before this Legislature months ago there was a decision before us to enter into association with the European Economic Community of which this House agreed. I believe that the decision was a wise one, or anyone else's history will record it, but I believe we have more to gain than to lose.

A lot is said about taxation, and one letter this morning, I believe I may quote him fairly accurately and say/so that the people of these islands are already paying more taxes than any other people that he knows. I don't believe that any people have had provided for them what this Government has taken in the last six years, at so little additional taxation. I believe this Government ought to be commended for the effort they have made in trying to raise the standard of living, in trying to provide things that are essential for the people of these islands.

Government has been building new roads, I know years ago, and not many years ago regardless of what kind of public funding that one had, that before it was completed there were more reports for roads than anything else that I know. Since we have been on the Road Programme things haven't gone as well as they've been planned, but they are building roads, they are being provided some roads. And who can we expect that will be able to pay for our roads except the people that drive the good everyday of the week. I don't believe we're asking very much in terms of what we're providing, I don't believe we're asking very much, Mr. President. When we're increased the duty on automobiles by 331/3% I wish we didn't have to have any percentage, but if we have to have revenue, personally I can't think of anything else that we could place it on that would be cheaper for them to cure. Cars seeking to be the greatest threat to life on these islands, more lives have been lost in these islands through reckless, careless driving than anything else that I know. I believe what we're saying, things have gotten a little tough we're going to have to put a few more pennies into the till and the pleasure will continue playing the game. Mr. President, if we had asked Harbour before we embarked on the road building, we would have given ourselves the challenge and may well be get roads yes, some that we have no, that's human nature.

MR. JOHN JEFFERSON (CAYC'D): Mr. President it is funny that when we get started on things it takes us a long time to get away from, for a long time there were so many people complaining about post & service, postal service, postal service; nobody was getting the volume of mail that came through the postal service, but since the reorganization and the hiring of additional people and that's the only how you can cope with that. The Postal Service I think has been functioning and functioning well.

Even in a year of recession there's been so much said about the tourist, and tourism is the greatest industry - largest industry in the Cayman Islands, it is certainly one of the most competitive fields, and so long since I've heard people say well let's provide something for the tourist, we're dealing with figures, and they say well you've got to have figures for the tourist; well I'm taking a little change. I want to see some money this year put towards a Botanical Garden in these Islands, and I'd like to see that placed in my own district. Government wouldn't have to buy land to start with, they already have land. Last year in my visit to the Conference in the Bahamas I was taken to the Botanical Garden there, beautiful sights, beautiful flowers, something worthwhile seeing, and for what I could understand from the gentleman who told me it was his responsibility in having made those gardens, the conditions that we have in the swamps also in West Bay Beach Area will would be the ideal thing for a garden of that nature. The fill is taken out, the water from the land is drained, that water is used for irrigation and it is beautifully built in various stages, I want to see some money set aside this year towards that. I want to see something created in this territory whatsoever, I think we've got enough sights to know everybody we know in this territory.

Mr. President, the other day a decision was brought before the Members of this House as to whether or not we should have a Speaker of the House. Now you I am well aware that our present Constitution provides for a Speaker of the House, I've said very clear, and I guess I will repeat myself that I - and I am on record, not only because next year is election year, but I feel that the term for a Speaker is not yet, and may be not ever as far as I'm concerned. I realise to have a Speaker would not no doubt be any further step constitutionally, but it would be taken as a step forward, and as far as I'm concerned we've gone as far constitutionally.

HON. V.G. JULIEN: On a point of order, that particular subject is irrelevant to the Budget Address. I make no mention of a Speaker in the Budget Address.

MR. JOHN JEFFERSON: Mr. President there is no mention of that made, but I feel in the Budget Address since it entails and would have certain expenditures I am still on my what I've said, as far as I'm concerned to have a Speaker in the Legislature is not now, and as far as I'm concerned probably not ever.

Mr. President I must be blunt and plain, all truly I believe I am, what bothers me a great deal is the attitude and the goings today are seem to have unfavorable election material for next years election, and I don't believe we can honestly deal with the things that are before us and do justice to this country at the present time in which we work and deal today.

Agriculture, Mr. President, we have gone to listen to good in agriculture, we have the Director of Agriculture and the Deputy, money has been spent on additional land which will make and answer for the Agriculture Department a show case. I support agriculture, but Mr. President, what I've learnt from my own experience that agriculture is a very costly thing. But I agree and I believe that there is a tremendous amount of things that are being wasted in this territory in these Islands that ought to be utilised. And I suppose wholeheartedly any effort that can be made to make the Islands self-sufficient and no doubt have export in the near future.

MR. MORRY JEFFERSON (Cont'd): ...on Fri day,Mr. President reading from the Financial Secretary's address - there were two unusual organizational changes in the Police Department during this year. The first was the separation of the Immigration Section which now comes immediately under the Chief Secretary. Immigration however, is still housed at 50' on Headquarters Building and will remain there until other accommodation is available. Arrangements are being made for that Department to be housed in the present Establishments Office when the Establishments Office staff moves to the new Administration Building. The move of Immigration will relieve some needed office space for the steadily expanding Traffic Branch and Licencing Section.

Mr. President,I believe that has been a good move. I believe that we have to give to our Immigration in these Islands, we have to give them credit, I think they have been doing a good job, a very difficult job, but I believe a good job.

The Police continue to be overwhelmed, they conclude to say themselves in a position in this world of sophistication to be able to cope with crime, and that know you. What I see in the Police Department the greatest need is discipline. There are a number of people in Government that are functioning or doing a good job, but I believe a lot needs got to be done. We've been told that the man heading the narcotic squad was the head of the Drug Section of the Police Department in Hong Kong, I hope we will see some results in the drug department. I hope we will see a curbing of narcotics in these Islands, What a mess if we're not able to break the ring. If we're not able to control it take the future for our youths in these Islands looks very dim. And,Mr. President,with respect if they can't curb the drugs in Islands like these, then I wonder where. But I believe it is time that we fully utilize the help of the general public in their response and help them to continue that nobody will be able to eradicate these evils without full co-operation among the Police and the public.

We move to Capital Expenditure - Which if you're well in faith has been expressed by some, What is the need now of the Dock, we've had our peek and if the Dock serves in the most efficient class it will be able to serve in the future. That's short-sightedness as can be represented Mr. President, I believe I am only saying, and let me repeat that, I am only hoping on the luck that we are on the right path. I don't like what we as legislators must do, I speak for myself and I believe I can speak for most of us here. We might make mistakes, and we wouldn't be human if we didn't, but I believe that mistakes that are made in relation to the decisions to provide things for the citizens of these Islands are made over-all at their best interest. And it's wise in things like these as legislators we can't be everything in the world, we must trust somebody, and I can only hope that. The people that are responsible know what they're doing and we're not going to be left holding the bag as so many people are predicting. ... But I'm saying we won't when in this present -government nobody else will. And you know what we ought to be thankful that even though there has been a recession, and there still is a recession that the tourist trade for the coming season looks to be the best. There're some hotels in this Island now you couldn't buy a room. And while there're other countries that there tourism continues to stagg and slump and slump, the figures in the Cayman Islands begin to show increase. We've had a very tough year, and as I've said before who hasn't. But let me say this,Mr. President,I agree with people from the Sandbox, if the available space in George Town is no terrible box, what we is going to be ten years from now. For my manner of that is this, when I need a car to get to town and I can't buy a new car, since I have to get to town I'll buy a car, and I believe that's what this Government is doing with the Dock. I have confidence in the Member who is responsible for this, I feel for him, I share with him in his responsibility, and I can see while he is trying to straighten the burdens there are so many people who are standing by and only hoping that they will be able to say yes I told you it was wrong. We have to shoulder this burden, we have to show more faith in the future, yes we have every right to know where our money is not going into the drain, and that we are looked after in every respect, because a decision of this size can certainly do us out of a lot of money if we're not careful. But,Mr. President,with this Government, being in

MR. JOHN EXPRESS (cont'd): one of the best consulting firms in the world, with the help of the Caribbean Development Bank Consultants who are looking out for their own interest, I have no other reason but to hope and pray that we are on the right track. There is a lot of jealousy in everything, but I hope for the best in the bank.

Broadcasting Station that I sure see it my pet hopes. The ambitions that I've had for a number of years now to be see a Broadcasting Station, situated in the Cayman Islands that will be able to give the facts before the people, because truth and facts must be placed in their hands. I believe that with our Broadcasting Station if it is used right and I have no reason to believe that it won't, in fact I am going on by there to say that Radio Cayman performs the functions that we as the Legislators feel that it ought to perform. It performs a service to the people information that will keep our people informed of what's going on and they won't have to be fed on rumours and thereby. I wish for Radio Cayman success and wish them many in January, 1979.

For the Brac and Little Cayman, Mr. Speaker, this has always occupied a great part of our minds and thoughts here in this Legislature. These two years the members from the sister islands, and I don't feel like calling them the Lesser Islands, because I think it does an injustice to them. I'm glad that there is and there has been a little increase, there has been more employment, there has been more projects going, and I for one stand ready to make any concession that would help the sister Islands to be able to move forward. I'm sure that the Members of the sister islands, and one of them who is not here with us today, Mr. President is one of the princesses of our hearts is that he's not able to be here in this Chamber with us today and take part in the deliberations in the representation of his people. My heart goes out to him and his family, and I believe that all Members of this Legislature second what I've said but he is not able to attend. And I can assure these Members and the Members of every district in these islands, my wholehearted support on anything that adds to the comfort of the people of the Cayman Islands.

I'm glad we have Hospitals, we have made a law, we are making some progress on our own prison service. I think it is only fitting that we do, I think it is high time that we deal with this and I for one want to say that I will never rest until this problem is licked.

Mr. President will the Government's new stand in our Savings Bank, and as was Government Owned, I trust that we are going to see that bank continued to its fullest, and that we will explore every possibility to use and to take advantage of the potential in the Government Savings Bank. But to continue relentlessly and never let us get weary and grow tired until we can show our financial community the need for long term money for mortgages in these Islands. I feel, Mr. President with the provisions and the concessions that are granted to the financial centres in this island that they should too, an obligation to help provide for this Government as the people of these islands mortgage money available for twenty or twenty five years.

I see in the Estimates Public Officers Lands of seventy five thousand five hundred and ninety six dollars, that is a good sum of money. Mr. Commissioner has often told when we realise that these islands have grown and are becoming a financial centre. We realise the need for engineers and what have you, I see we have an alternative up until now but to make available money for this; that I see a need to commit a high rate to encourage our young people to specialise that one of these days we will be able to fill many if not all of these positions in our own islands.

Mr. Speaker, something else that gives me a great deal of pleasure, I see in the Estimates for 1979 the subsidiary of CAL 513 in 1978, and if Cayman Airways stood up under the mission in 1978 I have no doubt in my mind that it will continue to rise to the challenge, and I am glad that when the decision was made the decision we made to create our own airline to provide service for our people and for our islands with a wise eye, and certainly we need to show greater appreciations for the services rendered by CAL.

MR. IVOR JEFFERSON (CONT'D): Total Revised Revenue 1975 - nine thousand five hundred and thirty four and fifty five dollars. Estimates of Recurrent Expenditure for 1976 ten million four hundred and thirty five thousand three hundred and forty nine dollars. Now Sir you will recall eighty four thousand of this is the Estimates for 1976. According to the figure of Revised Revenue we have raised almost a million dollars. While I believe and adhere to the policy of carrying our expenditure, I'm saying that there must be a time when we will take a fresh look at ourselves and take a new look in every direction. And I believe that when the time of our involvement or entitlement arises that organisations like Caribbean Airlines be made to pay their share of revenue like any other person in these Islands. I can now see it having been removed of it, and I can't believe for the concession that we are giving to them that we in turn are getting as much for what we are giving. And I'm saying it's time that we look and reassess/ourselves in these positions are think sincerely about the future.

Accommodation Public Officers - three hundred thousand dollars; increased by one hundred thousand dollars in 1976. Six of it I see for the next twenty five thousand dollars. Mr. President, like I've said what other alternative is there available to us, we need the premises, we can't provide that for ourselves, I think we have to be grateful that the service is available to us.

In 1975 cost relief was eight thousand dollars, and the actual expenditure was nine thousand seven hundred and thirty nine dollars, if I read my Estimates correct. This year's Estimates twelve thousand dollars and I'm glad to see an increase, and I hope that it will be sufficient to do what it ought to do.

Maintenance of approved Schools, maintenance of juvenile in approved School of Service Estimates for 1976 four thousand five hundred dollars, same as last year but actual expenditure was one thousand eight hundred and ninety nine dollars. I would be glad when there is no money there at all, because I feel that the time to put this rank is now, and I reiterate that. I believe the time to eradicate that is now, I do not go along with it, I think it is time that we'll find a way to cope with it, and I believe that we do have a responsibility to our youngsters like a service, I must be very frank.

Mr. President, the Financial Secretary said that we are nearing completion of five Year Programme on Capital Projects, I feel that the Capital Projects was necessary, the Government Building programme completed with the Administrative block, and I feel that the type of structure that Government has been putting is good and certainly I've have to the task that we have and we are completing the five year of Capital Programme.

Let me say this Mr. President as an elected representative of the people in this Assembly sometimes one is prone to wish that he truly wasn't in the role of decision making at these times of uncertainty and unemployment. It is only normal that people will be disgruntled where there has been a recession, where there has been unemployment and pressure will be high, but we cannot always be popular and no leader can truly work hope to always be sitting on the crest of the wave. I remember when I was elected first by my people, I told them, the confidence they displayed at the polls told me two things, one, they had confidence in my leadership and two that these would be days and times when they would disagree with me, but they believe in the principles that I was making for this country were in the best interest of everybody, and I trust with God's help to live up to that obligation and responsibility to the best of my ability. Anyone can be popular when everything is fine, but there comes a time when one have to stand up and be counted, when men have to take decisions, when men have to labour over the lattitude in the face of storm, when men have to put on their raincoats, when men have to be counted, when men have to be ill spoken of, yet if they are truly dedicated leaders they can ask going on up in the ship, they are going to wait until the storm is over. I do not intend to run nor do I intend to waiver against the circumstances of today, I intend with God's help to fulfil my responsibility as an Elected Leader in this territory. The decisions we have

MR. JOHN JEFFERIES (Jocky'D): ...seen and see Lakina only history will record it. Some of them no doubt will be wrong, but no time will before they were taken in the best interest of this country.

Socrates said,Mr. President and I quote, "We shall wait until the evening to see how important the day has been." I wouldn't profess to be a genius, but not to say this, I feel a lot has been done many decisions have been taken and a majority of those decisions,which will have been good decisions. that the people of these islands have known them. They see decisions that have helped to put this country where it is today, a Government that is respected anywhere in the world, a Government today which people from the outside can have real confidence in that they will honour their commitments and live up to their obligations everyday of the week. Mr. President,if all the efforts that were made to discredit this Government, it was the courage that was made pointing out the fact that people are strong were placed along with us truly in the interest of this country a lot more would be done. In closing Mr. President let me quote a poem:

Standing at the foot boys gazing at the sky,
How can you get up there,if you do not try,
Though you stumble down boys never be down beat,
Try and try again boys you'll succeed at last.

That has been the harvest - that has been the determination, that has been the ambition, that has been the strength in which I feel I have tried honestly to carry out my responsibility as a leader to the people of these islands. I have people from all over this island. George Town, West Bay and other districts that came to me for guidance that have faith in my ability as a leader, and I shall try with God's holy hot to let them down, but to help them to realise that I am an Elected representative of the Cayman Islands, not only for West Bay, but the Caymanians must benefit everybody in the territory.

Mr. President in closing let me say that I have every confidence that when we stand here next year that the position is going to be far different. I have so much confidence in the new year that I have invested all that is available to me I believe to provide a service for the people of these islands and particularly the tourist industry. And in closing I would like to invite you,Mr. President, the Members of the Legislature and the staff to lunch at the adjournment on Friday at "Over Chefs Restaurant". Thank you very much.

MISS VERLE E. WATLER: Mr. President and Members of this House, first of all I would like to say when one works in an area assistance must be at this level. Now I do not know that we are/our worst now, it's very sad that we have experienced such terrible losses that this new storm is going to cause. But even if it has been a hard year, we have so many things to be thankful for. Personally I have not saved one penny. I have made a lot of money, I have had to spend it, and it's not the least bit unhappy about it because I am like George Muller. I think his name was, I believe that God will provide the necessary when it is necessary, and that is the faith I live by.

Now I'm not as hopeful as the last speaker. I have been in this Assembly to the best of my knowledge for the last fourteen budget sessions, and I do not know this might be the last one that I'm privileged to serve because if I'm to believe rumours now, the public intends to sweep the floor of this House, and I personally - they say that I might get in. I would not like to be here alone with a new House to begin it. You Mr. President I hope I would not be here with another woman in this Assembly if it's my choice. Now I can get on very well with men.. although I may not smart enough to keep a husband, I can get on very well indeed with men, but I cannot get on with women. I do not know if they do not understand me, or I do not understand them, but it's a very hard job for me to get on with women first of all because they pretty the majority, and they have new ideas, what they may mean on right. I do not that way, I run on wrong, and I'm often very wrong, but I'm often quite right.

MISS ROSIE E. MASON (CONT'D): ...how I must disagree with the last speaker when he said that people discredit Government. Now I'm very sure there's not one legislator in this room that discredits our Government, or whatever I may speak for myself, I have an mind an very proud of our Government. But we can't say this present crew got the job, this Assembly, the foundation which we now stand and build on today. Those foundations were built by men of the past, and we should not think that we are the ones who put the Cayman Islands on the map, as far back I think it was 1939 or there about two Cunard ships came here, the Andora Star and the Atlantic, during the time when Commissioner Cardinal was at the helm. Well he requested for the sale of Lobster's mate. I remember there was an old lady by the name of Martin Saunders, who had knitted a beautiful belt, and she wanted it sold for eight dollar, or four pounds in those days. Well a lady who was on the committee of which I also was a member sold this belt for three pounds, and she was requested to, she wanted even to take her to court, so we got to scrabble together and get the other pound and give her. I'm saying this to show that tourism is not an event which started the last three or four years, it was founded by that great eminent leader we had, Mr. Cardinal, and ever since that it has been built up. And we are very happy today that we have tourism, and that we have a lot of benefits have become contingent here. But what I'm saying is this Mr. President, we should not sacrifice what we have known in the past just because a tourist wants this or the other thing, that is against our grain.

When the Dutch arrived here on this island, whichever country I visit I just do what their law says. I cannot go there and create any Dutch law, and the same thing applies to communicating here, they must do by what we have as laws and abide thereby. Now not very long ago I read in the Compass that some pleasure seekers came. I think it was from Jamaica, some member of the association - they came on a Sunday night, didn't know that their boat would have to be cleared by the Immigration, they left the boat and went down to some hotel, and the next day some fellows and foolish I was at my Immigration Officer had them before the courts, they were disturbed. These kind of things, Mr. President, is harm which we cannot encourage unless we watch what we do very carefully.

Now, Mr. President the picture that was presented to us in this Budget Address is not anything different from what I thought would happen in 1974. I felt that our Budget was too ambitious, I suppose it's the aspiration of every human being to get the best when they can get it, and we need the best in the Cayman Islands, and it costs money. I am very proud of this Parliament Building, I'm very proud of the Court house, and more so of that elaborate and beautiful Administration Building which we, when I say we now I mean the crowd here were able to use their brain, their brain and everything else to get for our people. And I think Lieutenant Governor would think that we have not performed a great job in getting these magnificent buildings.

Now Mr. President, I will not say that our future is uncertain, it depends on this House but never been in the predicament that I have been in without a friend, without a penny, nowhere to turn, and by faith almost alarmed, but I realized I must have been blessed for some purpose, and for marvellously and miraculously I raised me up and here am I today can stand before anybody low that not ashamed. In those days of my dream - and dream I was ever afraid of people, but I took God and he raised me up, and I could never say our future is uncertain, I believe that we believe and trust God that we will. That is what is good for us. We're not going to get everything we want, but I'm very sure God who has brought us up to this present day will continue to bless us if we do what is right. Now some Members of this Assembly use their power to get what they went for themselves regardless of what they have in the promises, and then they will turn back and they will say Minister doing this or the next one doing the other thing, but they forget what they have done to harm the Government and its people.

Now Mr. President I feel that this recession which is being felt over the entire world, we have to feel a bit of it. But if we use our head-pieces, not where only what we can afford to spend, some we

Miss ANNIE H. BOOKER (Lunenburg): ...have got these four projects going we shall come out on top. Now I would never advocate that we borrow, buy or steal anymore money to start anymore new projects. What I want to see,Mr. President is this, I want to see this road programme carried out. Now it is a pleasure for anyone to ride over what they call the Indian roads, and I give the Honourable First Elected Member to the Assembly the great praise because he has tried all that through his time in this Assembly to have better roads. Now I'm sure he'll criticised, I'm very sure that he is got to shame sometimes,if he'd believe, but I'm feeling this, I had an old uncle once by the name of Quilla - uncle Quilla, he never had a hair left on his head, worry and trouble and difficulties of life had made him bald, that is what I'm feeling is going to happen to Mr. Bush. And I hope and pray that he will have all the hair on his head, I'm sure he'll have a lot of grey hairs when it's all over, but he must be brave.

Now then look out there, this port facilities or whatever you feel like calling it, I have never heard so much criticism in my life about anything. Now the Honourable man from West Bay talking about economy, I'm very sure that is what is at the root of all this criticism. I for one want this harbour in George Town. George Town would not be the same place with all the ships going Red Bay if we were foolish enough to permit the dock to be put there or ever in the Great Sound. George Town is the proper place for the dock. Now I don't know if the councillors have made a mistake like I hear they have in pitting up the mark to the coast of the sea, and it's washed all overboard, I don't think that, but I know if they have made a mistake they will have to remedy it. Although I haven't seen this contract I have no desire to see it. Eight hundred pages I understand it is for this dock facilities, and I'm very sure it's that busy Mr. Bush himself does not understand it, or any other one here in this Chamber. But I am saying this, that I'm very sure the conditions as they are that he has pursued it to an extent, and I'm further confident that the dock will eventually be built. Now I want to see that dock, I want to see it built during my little time, and I know that the people would stop criticising. You know it is very easy to criticise but we do not want criticism, we want correction, and I hope that all those who are so much against this dock, and the man in charge of the operations that they will have cause to change their mind when it is finished.

Now,Mr. President,this bank inspection it is a service which is long overdue, and personally I have faith in our bank in the Cayman Islands, that is the Government Savings Bank. Because I'm very confident we shall always have a Government, and as long as we have a Cayman Government Savings Bank will not wander. Now when some of these overseas banks have,Mr. President,they make terrible mistakes. I had a company formed some time ago. I had quite a sum of money put into a certain bank, and the name of this company, and when I went there a few months ago it was thirteen dollars left. I said what has happened to this money, they said that there's two companies registered under this name, I said no such a thing, so they said how can come here and draw it out. Well that is how some banks are still functioning, and I haven't really decided whether or not if I'll take action against them, but I'm telling you that is the state of affairs, and that is one of the reliable banks. Look's not any bush bank, that's not any bank who is squandering away the people's money that the public know about it, but that is what is happening.

Now,Mr. President,and members,the financial industry is not altogether on the problem of the lodgings. I'm not saying that is not the reason, because recently I've heard of people who have deposited money here, who don't even give their names, because they know better the law of their country. But if they're smart enough to get away with that as is but my business to question how they done it, I'm saying that this financial centre which we have has brought us a lot of revenue, and I cannot see that it is sinful, what I disagree with and will always disagree with is the introduction of legalised gambling in the Cayman Islands. We had to fight that,Mr. President in the time of one of my predecessor, and we fought it on the hill, and I'm still prepared to fight it because we do not want that sort of thing going on here. We have always been a christian people,

HON. ANNIE M. PATTERSON (Continued): ...our forefathers were superior men when it comes to resourcefulness than what we have here in this noble body, Sir. They knew God, and most of these will claim somehow that there's a God, but they act as if we did not know what they are doing. Now I'm not talking anything in regards to this Assembly Mr. President, I'm talking about their general behaviour on the outside. One man told me some time ago why don't you take a drink of vodka? believe me and it was, I said not Annie Julian Patterson. I'm sixty seven years of age, I've drank no liquor or a cigarette but even because me like, but I'm going to continue took way. They said it wouldn't have you out of heaven if you took a drink, I said I don't know that, because the Scripture says, "wine is a mocker, strong drink is raging and whosoever is deceived thereby is not wise." Well I have enough wisdom not to drink alcohol or smoke cigarettes.

Now this agriculture business, I will say Mr. President, that we have agriculture here, the unfortunate thing is that, that green fresh our vegetables in these islands they're just as expensive as those imported, and I feel that it we are to have agriculture here that prices should be far less than on the things we have to import. For instance if you buy a pumpkin it's thirty-five cents a pound, if you go and buy Carlos Rivas it is at least thirty cents, whereof all these things can be grown, the only thing I know you never get for nothing, and not everybody will give you those are the breadfruits. Apart from that everything is sold by the pound and actually the same prices as you would have to pay for imported goods. Now I feel, Mr. President, that this is where you must that the merchants should be put under a rule where their price is controlled, how can you control the merchants and put control the ordinary man. I'll what use to be a penny ha'penny a piece if you know what a penny ha'penny Sir is, or used to be, now that is one dollar and sixty cents. Now this you haven't got to pay any import duty on fish, I will admit I suppose in these days when they're too lazy to paddle what? canoes they have to buy gasoline to run the engine, but I feel, Sir, a thing like fish should be sold much cheaper.

Now coming back to this matter of agriculture. We have a man who's the head of our department, and who as far as I can glean from reading the articles which he writes about I know what is good for us and what is bad. Now going pursue that theory me, I didn't chase that, then some time ago he gave certain instructions which were discarded, now I do not think that is in any best interest. If I have a ship and put a captain on the ship I should not stay in my house and tell that captain where he must sail his ship. That is not right, and when we place a man in authority over any department we must give him credit where he knows it's going to work to correct it. I disagree with taking two reins out of anyone's hands to rein anybody.

Now this restoration and cost of living Mr. President, the Financial Secretary said, "It is said that it takes many years things a certain rate of inflation to generate rapid perverse development, which on contrary. The Cayman Islands have had this experience since 197 . what the country rate was estimated at 20 percent and over. While there are Governments who advocate rapid economic development because of the multiplier effects and the quick benefits generated in both the private sector and government, there does a definite threat." Now, Mr. President I'm saying that we have economic development, where would these islands of ours been today had we not had some development. We would still be in the dark ages of civilization, walking the streets without a motor car, or perhaps riding a buggy, no beautiful buildings, nothing but just this way that we lived before. We have come very heights I would say Mr. President, it is due to development, and we should not be reckless to stifle development in this country. I've often heard my colleague from George Town say he wants to see the island developed in his day, so do I. And there are acres of land all over this country that I would love to see cleared, beautiful houses built and people living in the houses. What good is a country without people? We have taken three hundred years to get twelve thousand people, I hope we do not take another three hundred years to get another twelve thousand to make it nearly twenty five thousand. We need people, but we need good people, we do not want rackateers coming here, we want people who can not only help our economy but help us maintain the high morals which we have been

MISS ANNIE A. BOOKER (Contd): ...unemployment. Now I will agree, Sir, that the cost of living has gone up terrifically, but after all we must pay for what we want. If we want to live in luxury, we must be well here and turkey every day we have to pay for it, and I'm afraid that is what is happening to most of our people. They have been used to payday and now with banks lending money, and getting money very easily, high wages what... they want to live beyond their means; and if they just stop to think that rainy days can come they would be more careful in their spending.

Now this Development Plan, you hear talking as if this is the first time in history we have had a plan. Over twenty five years ago the Honourable A.D. Dundas - Albert Gallinridge Hunter had a plan for this Crown Land, I have a copy of it in my office today. Well, it was put on the shelf because certain people would have to give up a few inches of land, as it was believed, but that was to be in existence twenty five years ago. If we had had in this Assembly then people broadminded enough to consider that this plan was not for the good of A.D. Dundas, we might not have been today faced with this planning which we now have. I'm very sure the Honourable First Official Member will know that I'm telling the truth.

Now I will admit that I personally oppose this planning in 1971, and as I said my opposition cost me a lot of hard work, but thank God I'm still here today, and I'm not going to be upset over anything. I disagree with this Plan which is now proposed. I cannot see why the people should be deprived to having commercial centres, agricultural centres and pool. But we don't want to have the whole island in a field running down, or planting oranges, or yams or coconut trees. We want to have some buildings and some development in the outer districts. As for George Town that has become a cosmic Chinese, and we are not want anymore of those high-falutin buildings in central George Town. If caution had been taken this town would have expanded to the North Sound also years ago, but that was not done, now we have to suffer, but we must have our town grown and have a plan which is suitable for the Cayman Islands. We do not want to make it like Rio or San Francisco or a Miami Beach of Grand Cayman, we want to go ahead and have it planned suitably. Now I was glad, Mr. President, that we used a plan that will take away people's rights. You know I was in Court the whole ...ole Thursday game I think it was. I had to go there for a case, but then in another case in process it was adjourned - by some man. While I was there my blood boiled, because when I heard certain Government people I must tell you, Sir, belong to honourable men who had land. They also talked in reality boiled my blood, because, Mr. President, as in George Town have been ocean. When I say we I won't mean me. not myself. I mean those who had land to harvest they were seldom they didn't like us getting a little piece of land and I by the people in the country and are now to hear that they're going to lose land which them thought was theirs it is not right, well, Mr. President, the land that would be claimed for Government is no use to Government, what good would the Government have for this swamp and on the edge of the North Sound or back land, nothing. I have lost the friendship and maybe it'll cause the election because I stood up for Government on a certain issue which I am positive that Government owns the land. I lost the friendship and I'm sick of hearing it over the telephone people calling me up and so with they're not voting for Annie Booker, because she went against us. I said I wouldn't outlive my conscience for my posterity and sisters such like anybody else, and that is the stand I intend to take.

Mr. Duck will not get back in the Assembly because he didn't hold the book and say, I said it don't'll bump Mr. Eden out I'm sure he'll be happy to show out. But Mr. President, certain people in times gone by their money and their intelligence counted for much, but in these days people are wiser. On one occasion, I think it was 1962 it was a song, we vote him out, we like him out, drink his rum and water him out; well I want to tell you Mr. President that isn't going to happen to me, I'm not going to hand up anybody to tell any time to sit back in the Assembly, if by myself as a woman for the last fourteen years is not wanted for anymore than to make way for them people run me out of the Assembly, I will go out. I wouldn't be happy. because this is the only happiness that I have, serving the people and serving them in a God given distinct upright manner. I have

MISS ANNETTE D. SEQUEIRA (LODI): I have got anything out of the Assembly except these two books, but I've had fourteen years of the greatest pleasure, because I'm proud of myself as a woman that I can stand here with these nobly, distinguished gentlemen and I don't think I've done or said anything to lay myself down. And I hope that I shall be here after this election to continue in the same spirit which I have now, and that is to serve the people of the Capitol of California.

Now, Mr. President, I cannot say that I oppose all of this at the present time. In fact, development that authorized under the Development and Planning Law is good. I'm not sure that it is right, I am not sure that it is right, because we have to have a plan, and that plan is a plan, that is now being investigated in the best good and will. What I feel is this, that the Planning Board when it came into consideration [illegible] applications and pass them accordingly. Now, Mr. President, I cannot say I agree with all the methods of the Planning Board, it appears to be that if you are affluent enough and you want a thousand homes built you can get them. But I have some friends who were trying to build a house on Grand Island, Mr. Speaker, they want a four bedroom house but the two families, and they said oh no, you can only get a three bedroom house, but a man who has the privilege of building hundreds of houses if he wants, you know what he told my friends, he said, you just get me to build that house and I'll get it for you. Now that is not right, and this is no flying rumour, this is a fact. And I feel, Mr. Speaker, that one person should not question if there's ever a needy shortage market, it should be a fair play situation, where everybody provided they have the capital here to build on could get a permit to build if they so desire.

Another thing I'm against this planning board, is I was told by the Planning Authority we are going to allow one house to five acres of land. I said it should be the other way around, five acres to one acre, but they won't do it. That was on behalf of some clients that I had who have bought land in the West Bay District, for a development such as Sunny Hattenger. I do not know what will be the outcome of it. I agree that the Legislature Assembly has the final word in this Planning, but taking this consideration as in the past, I'm not sure how the cat will jump, I do not know if the people who represent the Cayman Islanders will stand up and say what is right and what is wrong. I know at least I can vouch for myself, that while I'm in favour of a good stable government, I am in favour of a government which considers the common man. When I say the lesser man I'm referring to people who own just one little parcel of land, and who if they just let it go anything other than what they think it would cause a great deal of hardship.

With this increased civil expenditure, Mr. President and Members, I'm quite cognizant of the fact that, we may have more, we need money to make our Government work. We cannot expect the Government to function without taxes, we have to pay our Civil Servants and I have always advocated the fact that you cannot have a good Civil Service without you are paying them liveable wages. Well, thank heaven I am not in the position where we pay them as much as we would say reasonable wages, and their job is secure, it's not like the private sector who you might go in today and give a job and they quit on November 22nd and you haven't got any job; but as long as these Civil Servants behave themselves and do as they should I'm very sure that nobody will intentionally turn them out just because. They want to get rid of them, provided they are doing their work. But the precedent I feel that at present some of our civil servants are over staffed. Sometimes I sign certain cheques and I have to talk to myself before I get hold of who I want it to go to. Now I feel, Mr. Speaker, that we should have to go very seriously we cannot afford to employ people who really we have no work for them to do. Now I would love to see the Government in a position that half of Caymanians young and old were employed because the Government is a good job, but we cannot employ people when we haven't got money to pay, and not anybody loyally is working for love. Now I feel, Mr. President, in order for us to do such a thing we will have to very carefully go into this matter, what I may say I

MISS ANNIE M. BOOKER (CAYMAN): Don't mean the Legislature. I want no part or parcel in it, but I feel that Government representatives should view the matter very seriously, and do what is necessary.

Sir, these tax measures which have been introduced, I consult the voice our duly [illegible], and I must say, it's very unwise to know that if the majority want it it would have to go. But I heard last night, rumour should be spoken that certain parties have organized a march which they wi[illegible] put into effect, now I hope that isn't true Mr. President, I hope it's not but that was the information which was passed unto us.

Now the Hospital first, Mr. President, it's very proud that we have this Hospital, and I feel confident that we have some good doctors. Thank God, I have not had to [illegible] hard luck to on them except for a cold, because Mr. President, I've suffered so much in my life time with sickness that I feel I've had my share. But I understand that things are not too good at the hospital, because it appears that most people do not want to take orders, and everybody wants to be captain that is not the good thing. If whoever is in charge as Matron, whether it's Commander Cardigan or who it is he or she must have their staff under control. Mr. they must be sure an example that everything will flow orderly. Also in my estimation Mr. President anything is only as good as its captain. Whether it's the church or the state, and to have the best in our Hospital we need nursing, good God-fearing people.

Now I was told only last night that there is an Incinerator which is inside and on the outside, and it has been used but with a rusty pipe which let out in the air will soon deteriorate to the extent where it might be slightly more work. Now Mr. President, I am only repeating what I was told, and further it is the grounds are in a/condition condition; I feel that such situation should be paid to the grounds of the Hospital regardless it it's the Sanitary Officer or who has to give the directions that that place must be cleaned up.

Now Education, it's very proud that we have this Comprehensive School going, [illegible] still things to be done. For instance this morning I understood there could not be any school because the grounds were flooded out. Now,Mr. President, it's saying this, when we get this Hurricane facility, when we get this Hospital protection over we must take time and money to fix those School grounds where it will not be a mud hole at rains. We must do one job, it's no good at going and starting some Airport project up there, let us finish what we have commenced, and I feel,Mr. President that money would be well spent to have these grounds rectified. Very unfortunate,Mr. President,our Prep School - Presbyterian School that we the ladies of Grand Cayman fought so hard to establish, that is on the rocks financially on the rocks, and it might be closed down, there will these children go, then we the big problem. And the thing that caused a certain bank to collapse has caused our school, disarrangement.

Now,Mr. President.This loan is welcome as a good thing, and I hope that Cayman as I have the opportunity to further their education, and I hope and trust. That when they return qualified in whatever field they may undertake to go into, that they will not be put down to the last run of the ladder. We have examples where Caymanians have fought and fought and fought and came out successful as lawyers, doctors, when I say doctors I mean dental doctors, and for various reasons they have had to leave Government service. Now I want to know,Mr. President,when these Caymanians who are trying to further their education, when they return to our Island they will not be treated as second class citizens, they must be given top grade jobs if they're qualified to take them.

We had a qualified barrister at law, a Cayman born of the rock [illegible] according to the letters behind his name, and when this Parliament Building was opened because he was a Caymanian he never even had the privilege of sitting in this Chamber although his name was on the programme, now that is not good enough. He left this country the first day of September, if he had had my advice the first day of August I would have walked out, because he never had to say a word, and he [illegible] looking, so I don't know who is who [illegible] opinions.

MISS JOSIE E. BUTLER (cont'd): One further thing I have against this Education Programme is this, I've seen - we have certain teachers who have retired, they wouldn't have this piece of paper, but nevertheless they have given service, now I see it all about they're to be phased out, whatever phases out means, and replaced. Now Mr. President, to my way of thinking when you take a man or a woman's livelihood away from them you might as well cut their throats, because in this day and age it's not so easy may be to pick up a job, and I feel, Mr. President that our school things even if they haven't got a piece of paper, and they are doing a good job we should be made kind to them. I haven't got any certificate as an accountant, I taught myself bookkeeping. I taught myself typing, and I will put myself in any of these as well qualified chartered accountants. I will put myself with any of them, because I feel I can do just as good a job. Now I'm not boasting about myself, I am a very humble woman only thankful that my circumstances in life were such, so poor that I had to struggle for survival, and here am I, if I must even say so, I have struggled here and there, and I haven't reached the top yet, but I'm well up the ladder.

Now the National Council of Social Services, Mr. President while I'm not too interested in it I will be anxious to listen to it. I spent twenty five dollars on my tickets to go to their ayne, and I feel it's a worthwhile effort, and I hope that they will not only continue to help those who are needy, but that they will seek to get this Service Area cleaned up. Oh that gave on my nerves, our cemetery down there the grass is that high outside the fence, there is the tomb of the Doctor George Shiels - First who died what I am four years ago, he died at the age of forty one, his grave down there is neglected. I tried coaxing ago to get it cleaned up, I bought the chain link and put around it, I left paint somewhere to get it painted, but it has not been painted yet. Now I say, Anything you get the Jamaica Civic National Council of Social Services should do and that is to have the grave of that eminent man cleaned up. We built over the Governor Nixon, he was Jewish, he was everything, yet I feel that his memory should be honoured in the manner where his grave is kept good and clean, whether it's Government to who doing it. I have trodden, but you know Mr. President the slight is, those that are inside can't get out, and those that are outside don't want to go in. I don't know if they're afraid to go in or either the grave or what, but anyhow they do not.

Now the Hospitals assembly, I have always said that this was a marvellously done job. I understand that some of the heads of this Government said, this Hospital will never be any good till you get rid of Sonia Hodden and Berkely both. All they are is trouble makers. Now I won't know if my Honourable colleague is a trouble maker in the majority department, but I can assure you I am not. I have always said that a good job has been done. I understand that the Leader Opposition think they had hung over it too long, I don't know about it go over because it was as big as it was as good as ever it was, but I'm sure takes it that it was to suppose to say how much I respect the Honourable Leader of this.

Now Mr. President I won't make this any speech if it's going here or gone. I cannot know, I know that all my dear friends this year never vote but about six fools is so good, and I hear people now rumour again, it is due to the new area, I've not know, but in any case it's even destroying the fruits it is doing a great job in eradicating inequities in George Town, I don't know about the other districts.

Now this Savings Bank and Cemetery board. Mr. President I have said it, I repeat it. I have the greatest confidence in the Government savings Bank. Now seriously, I was one who thought seriously to put certain reservations, there was only one stipulation I had in mind and it was this, no Paymaster's picture to be put on that money. Because it reminds one, and when I got out the Assembly next day there must have been a thousand. Who wanted their pictures on this money. I said Mr. President, I will not even agree for Annie Walker's picture to go on it much less anybody else. The Queen's picture and that alone. We have done wonderful in making the world know that we have something for ourselves and that business I'm very proud. Now I did my very little part to have it going.

MISS ADELE LEVERTON (cont'd): ...now with regards to the Government Savings ...ank, and this control of currency. I cannot say I agree with the present appointment, I was d...d lying, because I think we have got an ...ellent man at this stage I don't know if we can afford to have such a highly qualified and I'm very sure good salary man. If the Government feels that is how they ...ant, I bow to their ruling. I feel we could have waited for a little later on.

Now this Police. Mr. President, if I were to tell you what I have personally anything against the Police Department I would say I do not. The Police have a lot against me. Mr. President, I'm a lone woman, I live in a house by myself, and some dogs some eight years some years ago, and those dogs have increased, and I have spent a lot of money on the dogs. I purchased for myself before the last election a Weimaraner Shipdog for which I paid seventy five dollars, and I have those dogs for my years. Well, sometimes ago I had to spend a lot of money fencing my yard. Unknown people were opening my gate, just to let the dogs like them to get money. Still policemen, arrest on the common saying I had known unlicensed dogs, which was not the truth, I had paid the licence, and they dragged me to the court house four times, and the case had to be dismissed because they had no evidence. Well a little later on the big German Shepherd bit a woman, because somebody had let out my other dogs and this dog ran out, and it bit a woman. I paid the woman fifty dollars a week, and it came on for another hundred dollars to pay that woman, and the police said we never get her off the first rack, we'll get her on this one, and again they dragged me in court house. Well the judge was good enough to say that my dog was not vicious and not on the street, so I escaped with that. But the case where the little boy had been. I declare that I had never ever in my life went in the court with his file before me and swore that it happened on the 23rd of October, because I was in Kingston on the 21st, and he went there, never seen me before in my life and told an infamous lie on me, well of course judgment was given against me in the sum of one thousand dollars. Because it was accepted that I had never told the whole truth I would take good to pay this little boy putting $10... It was put to ...especial me, that's what it was for, that's why I do not advocate people to go to law court house.

Now I understand that the ... I don't know if it's Kirton the ganja man is here, but I understand up to yesterday they exported two hundred and fifty pounds of ganja at Cayman Brac. Well I don't know who did the job, but it was a mighty good one.

Now I have considerable learning for some in the Police Department. I feel Mr. President, that we have gone as far as we can go in providing funds, proper housing for the police department, I cannot agree that we need a hundred and eleven policemen, I don't agree with that. I am saying say even seventy five to eighty people should be in the police force whether Caymanians or foreigners, we need standards, we also know the job, and men who will without fear or favour advise they their duties. We need a Commissioner of Police who will arrest the obscene comedies, we need a traffic man who is seen of ... public, we need the ... who without fear or favour will do the job they need to do. I told a man on this morning, I was calling a number of the Immigration Department, he said his telephone is malfunction, we cannot give you the number, I said sister I do not want you to do anything to break any rules, I will have to wait and get this information how I can get it. Mr. President, I feel that it is high time that Police do a better job than they have ever doing, now I'm not blaming any individual, I am saying as a whole the Police unit is not satisfactory, I might be getting myself in trouble to say this, but I must speak my mind, and I feel, Sir, I'm quite cognizant of the fact that the ...ter your sole leadership, and I feel that something can be done to remedy the situation. Now there's one ... little button in the Police Department who I see in court quite regularly, and I sometimes he was one of the best of the crop, now he tells me after December you won't have my services my ...anger, I said it's too bad, we said but ...certain people who have ...e things they're entitled, now I don't know what it's all about, I'm not trying to interfere in it, but I feel that each man should have justice.

"Ise Lands M. Hamer (COMT'D): the Chairman - the way did, let them cut it, then I'll sit and go to bed.

Now the Hospital Laws, Mr. Premier, I'm not personally that the hospital does us too little. If you go to the United States you have to pay fabulous amounts, and if we are providing Americans here we should be asked to pay for it. We are very poor and those who cannot afford, let them be taken in free, but those who can afford to pay I feel that they should pay. This woman that I had to pay for her hospital bill, it could be sixty two dollars, and I'm very sure that they asked us Brighton we that had to go to Junction for more grafting work, that I would have to sell my old house over my head to pay it she'd done that, especially since it was the - and they were trying to steal us. Now sixty two dollars was actually too little for me to have to pay for this woman, then the other one I only had to pay fifteen dollars for him, well I'm very sure it should have been more than that. And the woman though although I'm a poor woman to say for what I want.

Mr. Chair Revenue Treasurer to help out budget to balance, Mr. President, I feel that we should cut less expenditure. We cannot attend in this successive year as they will in to go everybody and Godley people who we do not need. We must try to control our expenditure, of course not at the expense of this very stable Government, we have I was people who are prepared to do the job, work overtime if necessary to - or change go on as they are now. But we cannot create any new posts. I hope - my good friend here could chairing remarks I didn't chase it. This Chairman - But there is a establishment Officer here, now I do not think we need any Establishment Officer now. I agree if he was coming here it would be all and good, but I don't think we can afford it, and I feel Mr. Premier,under - you have guidance you will get things right which are apparently wrong.

My good friend here the First Official Spokes, when I was first in the Assembly Sir, and the slightest little thing we called for, Buck, Jack, Lighthouse, his really now you are not to be great minded is that what you're after, being short sighted, well you'd better mind what you're doing. Well I am saying this now be,this Assembly they'd better think what they're doing, and not plunge this island - the rocks, they're trying to aid Jamaica, Cuba, United States of America, let us live how we have been living, cutting what we can afford - or rather I agree we have to go in debt to get some of the things we need, but don't spend money as it it was never going out of style or reasonable, if you're working for Government and you have to buy an Iron or two Dangar, or connect to it that, after all when I was sixteen years old I worked, and in those days exposures raising, sometime I had to stay out in that old office at the waterfront till eleven o clock in the nights, nineteenpence nothing say, and you know what I got ten shillings a week. When my boss was also there - of course I had to type all the depositions, summons. Everything for that little measly ten shillings, this's why today I call myself a qualified in any Government which I want to step into, the long hard hill of experience.

Now about this million dollars, million dollars now is about a mighty amount. You hear people talking about million dollars like we would say about a dollar nothing, millions. Well a million is less to us we're quite a bit of money, and we must curtail our expenditure. We must act prudently, we must do without some of the things that we want for the time being until we can get this balance of the Budget. We have - get these funds, we have to get this Bank Facility, the Americans can step in as it is for the time being, people are lucky what up there, and let us go on. Mr.Mr. President,I don't know how long I've spoken but I think I've said most of what I've had to say, and I thank you Sir. And I wish you Sir, that you will continue as our President and so that you will be able to guide these people who are in your Assembly, they were very rude sometimes, but you as you often under objection. Thank you.

Adjournment

Hon. E.T. Wilson: Mr. President and Honourable Members I move that this House adjourn until 10 o'clock tomorrow morning.

SECONDED BY Hon. D.M. Williamson

MISS ANNIE H. BODDEN (Continued): ... New Law Courts - Administration Building is an accomplished fact of which I'm very proud. I even heard comments about that, that the Immigration should have been housed in that instead of the Tourist Board. Well I said you're not getting much money from Immigration, I don't suppose, and you'll have to wait your turn.

The Roads, I want to see those roads finished. ... while my good friend here not as great roads to walk twice, not to give me the right, but please to bring his machinery to West George Town where we can have good roads. I know that his reputation is at stake in this Road Building, Mr. Chairman, and I'm very much against him in this small that he's costing the earth. But May, now I'm against that new terminal garrage. I don't know if consultants, civil engineers as who drew the job, but they have made a grave mistake, and I hope before too and that they will not their fullness and correct it.

Now the Airport Terminal Building, I feel that we have wait till firstquote are available. I hear all about that this finish. Mind up there is pouring like a Basket, I don't know if it's true, again criticism of my good friend.

Now the money to build this Dock, we should have to find it. If it costs one million Dollars we must find it. I said Mr. Speaker, my colleague from George Town about a year ago if it costs any less than four million Dollars I would eat it when it was finished. You know that is impossible, and I'm very sure he's going to come four million and much more, but anything that's any Government money, and we're not going to let him touch us at least I am not.

Now this Broadcasting Station, I'm very most I'm in favour of that, what I wanted was Broadcasting and Television combined, but Mr. Speaker may higher up than I am, I'm not so high up at the Airport. I am from the last round I suppose since I'm a woman. But I want to see how we can afford it that television is annexed to this Broadcasting. Now Mr. Speaker I don't want interference by these cozy our island Anglicans, I don't want any private television company coming here and primarily as are buying up what is and what not to run. I want this thing to be Government controlled, it's like the dock we were proposing to put in the North Sound, a I you could grow ship at the Airport we'll grow you forty two acres a foot, and we'll get outside capital to come in, and we will call it Government, as a legislator I will never agree to that. Government must take it ourselves not outsiders take in Government Hand.

Now the Cayman Brac was doing what I say I'm always doing, struggling. Well Mr. Speaker the most wealthy rich people that we have in Grand Cayman with the exception of one they have education from Grand Cayman, so Cayman Brac doesn't deserve too much sympathy, they were always the richest till financially than Grand Caymanians, and I have helped them as much as I could. When they were trying to get lights installed in Cayman Brac they wanted a loan of ten thousand Dollars, I think it was that, or it might have been pounds, and you should have heard some of these legislators. What please not Cayman Brackers want with lights, I said it's what the old Grand Caymanians went with it, the facilities that it will afford, and I would not my vote helped them to get that loan from Government.

Now I do not agree with too many of those speakers opposite here, I feel that we can do a lot of stuff for ourselves. We know our constituents, President, we know what we want, when we have the money that can take to pay somebody to come and tell us what to do that money could be well applied to do the job, and I feel Mr. President that we have some able men here who can give us some good advice. Of course I agree that we need experts in a lot of things, and when I read in the Papers a couple of weeks ago about a nutrition I believe she was called coming here to tell us what the children should eat, I was very amused I said they must talk about we have cotton, fish and breadfruit, and bammy and I never knew we couldn't get anymore, and our Christmas dumplings, and you're not to cater to every Legislators that a child wants. Let them eat good stable food and have all these nice drinks and ice cream and so on alone. Let their parents provide proper food and if they don't get it by twelve o'clock, when they come home five o'clock in the

RECOMMENDED BY GEN. C.S. WAINWRIGHT

OFFICIAL PHOTOGRAPH.

AT A.M. THIS MORNING ACCOMPANIED GENERAL JONATHAN WAINWRIGHT
WITH MONTGOMERY, 1945.

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MAJ. THOMAS DAVIES, C.B.E. (CHAIRMAN)

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. W. [illegible], M.B.E., J.P.	FIRST DISTRICT, NORTH
HON. G. F. [illegible], O.B.E., Q.C.	ELECTED OFFICIAL MEMBER
HON. W. S. [illegible]	ELECTED OFFICIAL MEMBER
HON. A. P. [illegible], J.P.	SECOND ELECTORAL DISTRICT, CENTRE (OTHER MEMBER FOR EVENT, COMMUNICATIONS AND PUBLIC WORKS)
HON. [illegible]	THIRD ELECTORAL DISTRICT, EASTERN (MEMBER FOR LOCAL GOVERNMENT AND [illegible])
HON. B. C. [illegible]	FIRST ELECTORAL DISTRICT, WEST (OTHER MEMBER FOR AGRICULTURE, FORESTRY, FISHERIES AND LABOUR)
HON. M. K. [illegible], O.B.E.	SECOND ELECTORAL DISTRICT, CENTRE (MEMBER FOR EDUCATION, LANDS AND SURVEYS, AGRICULTURE, FORESTRY, FISHERIES AND LABOUR)

ELECTED MEMBERS

MR. T.K. [illegible]	FIRST ELECTORAL DISTRICT, WEST END
MISS AGNES [illegible]	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. WALTER HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. [illegible]	FOURTH ELECTORAL DISTRICT, NORTH SIDE
MR. C. [illegible]	FOURTH ELECTORAL DISTRICT, NORTH SIDE
MR. [illegible]	FIFTH ELECTORAL DISTRICT, BODDEN TOWN

ABSENT

CAPT. A.L. [illegible]	[illegible]
MR. JOHN J. [illegible]	[illegible]

ORDERS OF THE DAY

TUESDAY

25TH NOVEMBER, 1975

PRIVATE MEMBERS MOTION:

1. MISS ANNIE HUTCHAE BODDEN, OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS

How a Police Boat (new) ever been ordered?
If the answer is "no", will Government state the reason why this Boat has not been ordered, and if there is any intention of ordering this new Police Boat in the near future?

Have the posts of Deputy Clerk of Courts and Assistant Clerk of Courts ever been filled, as provided for in the Estimates?

(2) MR. G. HAIG BODDEN, OF NORTH SIDE, TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER AND LEADER OF GOVERNMENT BUSINESS.

When will Radio Cayman be operational?
What has caused the delay?
How much is the delay costing the Cayman Islands Government?
Will it be operational for the 1976 elections?

(3) MISS ANNIE EILEEN HUTCHAE BODDEN, OF GEORGE TOWN, TO ASK THE HONOURABLE P. G. JOHNSON, OBE - FINANCIAL SECRETARY

What will be the amount of deficit (if any) in the 1976 year's Budget?

Will Government investigate the reason why some individuals were granted permits by the Planning Authority to build houses (Apartments and Duplexes) in quantities, while some individuals cannot get permission to build even one house, at a time?

Will Government consider amending the Customs Law to provide that pre-fabricated buildings (including houses trailers, etc.) are either banned from importation altogether, or that any individuals who want to import such buildings, are given permission so to do, and not special cases only?

4. CONTRIBUTION OF THE COUNTRY OF THE FINANCIAL SECRETARY

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Mr. Speaker 5

Adjournment 44

Thursday, 25th November,1975

11 a.m.

MR.PRESIDENT: Proceedings are resumed. We proceed to Question 1.

PRIVATE MEMBERS' QUESTIONS

MISS CAYLE H.THOMAS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE FINANCIAL SECRETARY:

1. Has a decision yet (now) been reached? If the answer is 'No', will Government state the reason why this boat has not been ordered, and if there is any intention of ordering this new Police boat in the near future?

ANSWER: The answer is no. There were so many projects being carried out during this year that it was not possible to finance the purchase of the boat, as the same time Government was informed that suitable Government might make a boat available to us. This offer is being actively pursued.

SUPPLEMENTARIES:

MR.TRUMAN BODDEN: Supplementary, Mr.President. If the Member could say how long, approximately it may be before the two Governments might reach some conclusion?

HON.D.V.WATLER: That is difficult to say because we are pursuing this through London and we are waiting on an answer now, in fact, to use a colloquial phrase, "the ball is in their court just now".

MR.TRUMAN BODDEN: Mr.President, if I may ask another supplementary Question. If the Leader doesn't feel that this boat should be considered at the purchase at the price, or however we get it, should not be considered on a priority stage, it is of not a high necessity.

HON.D.V.WATLER: Well, as was stated in the answer, we had so many projects on this year that it was not possible to finance it and that we were informed of this offer, and therefore we are pursuing this offer.

MISS CAYLE H.THOMAS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER:

1. Has the post of Deputy Clerk of Courts and Assistant Clerk of Courts been filled, as provided for in the Estimates?

ANSWER: The post of Assistant Clerk of the Courts has been filled and an offer has been made to an applicant for the position of Deputy but it is hoped that this post will be filled shortly.

SUPPLEMENTARIES

MR.TRUMAN BODDEN: Mr.President, if I may ask this question, the Assistant Clerk, is it a national or is it an expatriate, and the Deputy Clerk, will that be filled also with a national or an expatriate?

HON.D.V.WATLER: It is hoped that both will be members of the Cayman Islands.

MR.D.M.EVANS: In view of the answer to question 2, there were so many projects being carried out during this year that it was not possible to finance the purchase of this boat, in view of this, is Government considering this as a very important matter?

HON.D.V.WATLER: This was the same question that the Member for North Side asked, and as I said, the Government was unable to purchase it this year due to the number of other projects that are being carried and that an offer has been made.

MR.HARDOCK SPARKS: Mr.President, a further supplementary question. Is there no one in that Department that would be promoted to that as Deputy Clerk?

HON.D.V.MATTIS: I am not too much what you are asking - executive Member,are you referring to the Deputy?

MR.HARDOCK SPARKS: Yes. Deputy Clerk, is there no one into the Department at this time that would be moved from some position that they may be in, Secretary or what not to this position?

HON.D.V.MATTIS: It is to be expected that the Deputy would be a trained person, so that may have to fill in for the Clerk on occasions.

MR.HARDOCK SPARKS: Mr.Speaker, a further question having it from a point of statement that one member of the staff in preparing to retire because they have been recommended by the authorities in the Judicial Department, as the Judge and the Clerk of Court for his appointment and it has been denied.

HON.D.V.MATTIS: I wouldn't take that to be a supplementary - that's a statement, is it not? And at the same time, even if you are putting it as a question I think this deals with the Civil Service procedure.

MR.HARDOCK SPARKS: I made that clear, Mr.President, that it would be in a sort of a statement, I didnt know what answer I would get to it.

MISS HAMLE M.THOMAS: Mr.President, if I may be allowed to ask the Prime Official. Whether it is not a fact that two offices being filled, that another office in that Department, the person holding that is asked to leave?

HON.D.V.MATTIS: The person that is holding from - what?

MISS JANIS M.MCDONALD: The person that is holding a job in the Clerk of Courts office who, in my opinion, is a very essential post - was not that person been asked to resign at the end of November?

HON.D.V.MATTIS: I don't know about that and that is an entirely different matter because you would be asking me now if someone has resigned or not and this was not what the main question was based on.

MR. H. HAIG-THOMAS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE PRIME OFFICIAL MEMBER

What will Radio Cayman be operational?

ANSWER: It is hoped that Radio Cayman will be in operation by the first of February.

What has caused the delay?

ANSWER: The delay has been caused by the non-arrival of some of the equipment. We have been informed that these delays were due to shortage of steel in Europe where the shipment is coming from.

How much is the delay costing the Cayman Islands Government?

ANSWER: The delay is not causing this Government any additional expenditure.

Will it be operational for the 1976 elections?

ANSWER: We can foresee no reason why it will not be operational before the elections take place in 1976.

SUPPLEMENTARIES

MR.G. ERIC BROOKS: Mr.President, a supplementary. To the answer to the third part. The delay in not seeing supplies, would the salaries of people already employed be included in the cost to Government?

HON.E.V.MATTY: If you are referring to the salaries, and this I was not sure what was meant by that and I thought that it might have been the additional cost of the station - yes, we have two members of staff have been appointed, but the appropriation for more than two members in our budget, and they have not been appointed, so there is an overall saving on that respect, and the officers that have been appointed are busy getting together programming and materials, we look when the station is open it can function efficiently.

MR. CLAUDE HILL: Mr.President, with your permission, Sir, a supplementary question on the fourth part. I would like to ask the Great Difficult Member will Radio Cayman be used for anything political.

MR.PRESIDENT: I think that's quite unfair for even the original question.

MR. JAMES M.DOTSEA: I Another supplementary. What will be the total cost by the time this Radio gets on the Air?

HON.D.V. MYLES: I would have to look into our budget for that but I am not sure myself right off. I think when you get to the Finance Committee you will get all these figures there.

MISS AGNES M.BROWN (Elected Member for Bodden Town) ASK THE HONOURABLE V. G. JOHNSON, Ass. Financial Secretary

What will be the amount of deficit likely to be in the 1970 year's budget?

ANSWER: According to the Financial Secretary at page 4 of the Draft Estimates of Revenue and Expenditure for the year 1970 the deficit at the end of 1969 will be $115,000.

Will Government investigate the reason why some individuals were granted permits by the Planning Authority to build Homes (Apartments and Duplexes) in residential areas while some individuals cannot get permission to build when now known as a time?

ANSWER: Out of 135 single family houses or duplexes passed by the Authority there are several names that repeat themselves. The reason is that there are houses in sub-divisions which are obviously given a complete self service and built here on. In a few cases the applicants are architectural designers themselves who offer the service and clients the applications through the Authority. While parties represents 12.5% of the total, the other applicants are mainly individuals, the number of refusals that have been given this year on single family houses and duplexes are 4 in number and this represents 3.6% of the total.

MISS AGNES M.BROWN: Mr.President, this will not be a question, it is a statement. I would accept this.

MR. JAMES M.SOTSEA: Supplementary, Mr.President. Is the Planning Board going a copy of the Draft Development Plan in order to allow their criticisms at the present time?

HON.V. G. JOHNSON: The reply to that, Mr.President, is no.

MR. DONAL M. KIRKCONNELL: Could you give us any estimate, percentage wise of the decrease and permits issued by the Planning Board this year as compared to last year?

DOK. V. C. STINSON: I am sorry, Mr President. I haven't that figure at my disposal just now.

MR.CHADDOCK EVANS: Mr.President,if I may ask a supplementary. Could the Honorable Member say if any reconsideration was been given to the applicaton with a single family houses that have been refused their application?

HON.F.L.STINSON: Mr.President. I cannot answer that because an application is either considered or refused, and I imagine that the Central Planning Authority gives every consideration to an application before it is refused, or before it is approved.

MR.CHADDOCK EVANS: Then, Mr.President, if an apolicant is refused on his first application on whatever grounds refused may be issued, then there is no chance or hope of a reconsideration of the application at some other time, in other words, is it the intention of the Govt to deprive an individual from not building a house?

HON.V.H.STINSON: Mr.President, the Director of Planning has told me himself that both he and other members of the department have gone all out in an endeavour to assist these applicants in their applications when there is something not quite in order with them. And, in many cases, they have been able to help the applicants. There are some applications that are refused by the Board for most scientific reasons and these are, perhaps not considered again.

MR.CHADDOCK EVANS: Mr.President, I thought of asking another question, but I won't bother I will ask it in my debate later.

MISS AMIE H.TAYLOR: (CONSTITUENCY OF GEORGE TOWN) TO HER HON FRIEND HON V. C. STINSON,MP, FINANCIAL SECRETARY

Will Government consider amending the Customs Law to provide that portabilets,Buildings, including Demo-Prefiles,etc, can either be/exempt from importation duty,so that any individuals who want to import such buildings are given permission so to do and not special cases only?

ANSWER: The Honourable Member of Executive Council for Communications and Works and Public Transport, is now examining this matter and it is anticipated that his recommendations will be processed to the Legislative Assembly as soon as possible.

MR. JAMES M.RYDER: Mr.President, this is really not a supplementary, but I have before me copy of a motion ,as well as a bunch of questions that were dealing with the same subject and they would not be put in because the Lady Member from George Town has already placed this question. But I enquire whether you would give permission for us to elaborate on this subject and ask a few additional questions that you may think might be misleading.

MR.PRESIDENT: I think we will have to take Communications related to this question as drafted. There is nothing to hinder further questions being put down.

Nothing, I think, cannot be put before the House within six months of a motion or a similar subject, but I should have thought that questions were a different matter.

MR. JAMES M.RYDER: Well, evidently , because of that it was not put in, Sir, so rather than to loose the value of it at this time, I would pose a supplementary that a trailer home was recently imported into the Island under section 18 sub-section (3) (c) of

MR. CHARLES MATHEWS (MARTHANDAM) of the Customs Law, 14 of 1971 which is the law that the question is based on. This was purportedly to be used for agricultural purposes, would the Member state what type of agriculture it is being used for, who presently occupies it, and where it is located?

HON. V.G.JOHNSON Mr.President, I am sorry I can't answer that question. I am not the Member responsible for agriculture.

MR.PRESIDENT: If the Member responsible is prepared to answer in short's weight. If not, well, perhaps the honourable Member can put this down as a separate question.

HON.M.M.CORNELLY: Mr.President, I might remind the Member that on the Estimates Paper, this question has been asked by another Member, the Member from Marian Time, which will evidently be put down on the order paper for another day.

MR. JAMES M.SINCLAIR: I would interject, Mr.President, if that is so, and in my opinion I did not see it, I just saw the question relative to the one that had been put by the lady Member. Anyway, in that case, I will withdraw that, because it is somewhat odd to ask a question if I can't it in debate.

Could you tell us what duty was paid on this particular trailer and what was the declared value?

HON.M.M.CORNELLY: This is a similar question.

MR.PRESIDENT: I think that that will come in as a supplementary to the question that is down for reply on this particular Incident.

HON.M.M.CORNELLY: The question is down.

MR.CHARLOCK BENJAMIN: Mr.President, If I may ask the Honourable Member, he said that this is being imported duty. I wonder if he could say at this time if the new Border at this is to be enlarged or some concrete decision taken against the importation of these prefabricated buildings or what not.

HON.V.G.JOHNSON: Mr.President, I don't know what is operating in the mind of the honourable Member responsible for this subject whether he is giving thought as to whether prefabricated buildings, including trailers should be banned altogether, whether there should be specific restrictions and what sort of restrictions. I am not too certain but in studying the questions and the representations I suppose, will come forward in due course.

Hon. ANNIS H. JACOBS: Mr.President, if I may be permitted to ask, will these rules come to the Legislature Assembly or will it be dealt strictly by the Officer or Member of Executive Council whose portfolio this falls?

HON.V.G.JOHNSON: This is a question which must be dealt with by the Legislative Assembly because it will entail an amendment to the Customs Law.

MR. JAMES M.MITCHELL: Will Government give serious consideration to permitting similar facilities to come in for agricultural use?

HON.V.G.JOHNSON: This is the prerogative of the Executive Council, which I cannot reply to, Sir.

MR. JAMES M.SINCLAIR: Is that prerogative only applied to special persons or can any one do it? Is any one allowed to put on and use a pencil?

MRS. V.G. JOSEPH: I cannot expand on what I have just said, Mr.Speaker/Sir. It's a matter entirely for Executive Council. Each application is examined on its merits and considered accordingly.

HON. JAMES M.HUTCHEON: Could you tell us what were the factors in this particular case?

MR. PRESIDENT: I must disallow that, we are dealing with a general question and we are getting on to a particular one, I think is coming up later in question time.

CONTINUATION OF DEBATE ON THE SECOND READING OF THE APPROPRIATION BILL, 1974.

MR.PRESIDENT: I think we can probably proceed with the continuation of the debate on the Second Reading of the Appropriation Bill.

HON.V.G.JOSEPH: I'll have to wind up. I haven't got anything to wind up with. Should I wind up now, Mr.Speaker?

MR.SPEAKER: The motion is open for debate.

MR.GERALDO CUMMINGS: Perfectly alright with me, Mr.President, if the Member feels like winding up, but I give notice that I will be speaking however, Sir.

MR. JAMES M.HUTCHEON: Mr.President, I don't think it is fair that being Government how the first shot at us with the budget that all of the Members on this side should be expected to speak first and then we get the Government from the sixteen left guns on the other side at the end. We are willing to speak, at least some of those will speak first and I want some at the back to speak at the end. Other than that I will also give notice in the meeting that I will be speaking later on, even if the meeting is wound up by the Financial Secretary now.

MR.PRESIDENT: Well, the position is that the Budget Debate is in progress, that is open for debate and if there are no speakers then the Member presenting the motion is called upon to reply. It's a matter for individual Members when they wish to speak but it must be within the confines of the debate.

MISS ANITA H.GIBBONS: Mr.President, the only thing that I am sorry of is that I am not allowed to speak a second time.

MR. JAMES M.HUTCHEON: Well, Mr.President, I wasn't quite ready I still think for a short while however that those who sit in Official positions will not speak until we speak and they have the prerogative that they can do that and then try to mop everything that is said from this side. However, I will assure the House, Mr.President, that when I am through and I am sure you'll see this Assembling on this side we got us.

Mr.President, I join with the other Members of this Assembly in praise to the ability of the Third Official Member in his presentation to the Assembly. I do not say this just to make noise but his ability and his qualities are such that never ought to unseat us. I say this as a friend, as well as a non-official Member on this side of the House. I think the budget was well-prepared, I think it was duly put forward and I only hope that all our expectations on this budget will not fall short like a case that happened during the war here, where someone was told it did not reach their expectations.

MR. JAMES M. BODDEN (CONTINUING): I hope our aspirations will be reached.

We are privileged by providence to once more be able to meet here in a democratic way, under a democratic system, and discuss what has happened in the past year and what we hope will happen in the year to come.

The year to come could be a very eventful year in many respects. The last year has proven practically the [illegible] with all the problems that it could be [illegible]. We were no exception because I am sure that in many respects Government as well as the private [illegible] was caught short in many respects.

I am sure that as we progress in this debate that there will be praise for what has been done and there will also be criticism for what has been done and what is hoped to be done. However, I would say that whatever way it is I hope that we can all join together peacefully and presenting ourselves in a manner that can be acceptable to both sides.

We are not just prepared to criticise, we are also prepared to lend a hand and to give you suggestions, which in many cases, could be very valuable to you.

I, at this point, would beg leave of the Honourable Members that sit on the other side to quote to them the words of Disraeli "that no Government can be secure without a formidable opposition" and I say this again as I've said it many times in this House, Mr. President, because it is true. He was probably one of the wisest English statesmen that you ever had and I would not try to refute it. But the days are long past, particularly in this House when things can be put together and brought to this Honourable Assembly and expected to be passed without criticism. The days are past, and we would like to bury them when such things could happen.

Everything that comes to this House must be truly aired. No longer must we be told that we have no right to question. No longer must we be told that this is a subject in which we have no interest. Anything that happens in this Assembly affects the people of the Cayman Islands - it affects everything in this country and we are the people who represent this country and we are here to give notice that we intend to continue, at least, until the next election, a very formidable opposition. After that time, I would like to let my many friends know that I do not have any intention, at this time, of seeking a seat in the next Assembly so they do not have to prepare for me, but I hope that whoever follows me will be just as determined as I have been.

This Assembly, Mr. President, was elected by the people of this country and we, the people of this country, we the legislators of this country, rather, are the guardians of the people's trust. We each in this Assembly have our responsibility to our electorate - they are the people who placed the confidence in us to put us here, and whatever is for their good must always be uppermost in our minds.

Every legislation that comes before this House is going to affect each and every one who lives in these Islands, and Mr. President, we are no longer going to see such legislation be forced through this House by collective responsibility. We have asked that that be defined from London and to my knowledge, to date we have received no reply. I think the way we are operating is a manner in which it was never intended that the Constitution should have its effect. I have, for many years, said and will continue to say publicly and otherwise that the legislative branch of a country must always remain separate from the official side of Government. The official and administrative branch of Government cannot truly be representatives of the people. It has never worked successfully in any country yet - its like oil on water - it does not mix and [illegible] the world has tried it at one time or the other and failed, [illegible] then. Mr. President in a small country such as ours there can be no exception. One of these

Mr.Speaker in which [illegible] days this must change.

Be it my alone with this debate I would ask Members to bear in mind that this proposed budget encompasses every aspect of our lives in this country - it covers a lot of subject material and I would ask Members to bear with me as well as with those who will follow me in speaking on this if they think they get out of order sometimes, because at this hard pan cannot be eliminated: we have passed this stage.

Lord Chesterfield said that "wisdom is seldom welcome and those who want it the most always like it the least", and I know that my Honourable Colleague on the other side will have many things to [illegible] back on - they will ask in short of words. I am only hopeful that they will see fit that each of them will speak as that my colleague on my right will be able to be the last speaker and wind up after them. I think that our is a challenge to room to see if they will accept it.

Mr.Speaker, a long time ago this country embarked on its course encouraging this country to be a tax haven. In doing that we had to make up our minds that we would not only shelve ourselves, but we would shelve our country with people from abroad. This is in connection with the tourist trade as well as the tax haven aspect and, Mr. Speaker, if we ever hope that we will surround on these two particular issues that we must at all times follow a course that would promote fair play and will put faith in the country.

Today we have reached a part of our history where I think the outside faith in the Cayman Islands has hit rock bottom but we cannot survive very long under the two clauses that we are currently [illegible] when that happens to us. We all know for a small community, we all know that everything bean is limited, particularly manpower.

Mr.Mr. Mr.Speaker, is the corner stone on which everything in life is built. Faith builds nations and I submit that just because the Mother Country is going socialist or has gone socialist, there is no reason for us to follow. We have always been determined people - stubborn people - we have always been people that really do not like to be told others - we like to set our course ourselves and if I may use using some a precipice you do not go along with me nor do you try to push him over - you try to pull him back and I submit that just because the British must decide to follow that same course. There is no reason why we as a country to copy another's legislation which is put forward in both of the other territories. We, this past year, in my opinion, tried to promote, should we pass it into law, this Planning and Development thing, some people have called it the Destruction Plan - we have tried to promote its objectives and control thereof, I would say, in that development plan, that our people are not used to. Isolationism has been tried and failed in every country in the world. We cannot just get up here in this Assembly and say be a lovely country for tourist, hoping the tourists will come and only fly over the Island and drop their money. We must be ready to give something back. We without it is enough of the game, must take up our minds that we are going back into the seventeenth or we go forward into the twenty-first century. And if we are going forward in the twenty-first century then we must pursue a different policy than the one that our Government is apparently heading all eventuality. Mr.Speaker, the same thing will happen here that has happened in many other territories, many other countries - tourism for awhile has its natural glamour but the difficult thing with tourism is this: after awhile any tourist regrets ever set eyes on the extreme atmosphere of the open country in which the person who has come as a tourist, has find home.

MR. JAMES M.SCOTT (continued) people came to Cayman because of the warmth of the people - also some because of the stability that our Government has represented in the past. They come not just for the sand, sea and sun Mr.President. Sometimes many, many Islands have those - we are not the only ones.

I will be commenting much later on in my speech on the Constitution that as I will not be saying too much about it at this time.

The foreign investor is the life-blood of this country. Since man found Cayman inhabited and it built up economy on the money that came into the Island through our seamen leaving and working abroad. Anyone who deals in that business today will tell you, Mr.President, that that has come back to hugely a trickle. The plain fact is that most of our men, unless they were exercised tolerance the sea has lost some of its appeal, so we have to supplement this with something else - we have to do it with a foreign investor. We have a limited amount of money in this country, a very limited amount and when we do not encourage the investor from abroad it means that the generation capital which are so much needed to keep the wheels of our economy running are unavailable.

The limited work we have here can only begin to oil the wheels so let the economy run - what we need is the fuel to put the steam into them engines, not just a little but to lubricate the gears that they turn around. If this is not done and done shortly, Mr.President, we probably will not be in here but those who follow us will not be so happy - many more years, having the privilege of debating a budget of nearly fifteen million dollars. You'll be debating fifty-six million perhaps.

The main thing any investor looks for in a country is its political stability. The faith that those who loan that stability are leading it in the right direction. We have always used cause at that right hand our shores today and,should you travel East you will be privileged to see that the economy has come to such a low state that just about everything has come to a halt. If you look through the city you will see half built construction that looks like the ravages of war or the destruction like a hurricane, and that is because that particular country which is much, much wealthier than we and has many, many resources, was not able to influence any more foreign capital to come into that country. So it is mysterious, stupid, insane which people tell us we are going to close with the little bit of debt that we have today and think we are going to take ahead, it is not possible.

People talk about the speculator - any country in the world today that doesn't have a speculative money is a country that is in trouble. Speculative money is what builds an economy and eventually you will find it out in this country, we do rely a lot speculative money here.

The whole world class post year has suffered - we are no different than the rest of them - the whole world is in an economic slump, but I feel like we in the Cayman Islands cannot blame the entire recession completely for our troubles - our troubles, as much of them, we have brought on our selves. We have brought it on ourselves, Mr.Speaker/Sir, because everything that is done must be done on the right side of expense - it must be done by bringing someone here to tell us how to even wipe your nose when your nervous - they are all experts. Expert advice in many cases can be good, but it is nothing, in my estimation that beats plain, good, local common sense. I have seen so many people in my life time that they are so educated that they needed an air-style, pressed plaited basket to carry their degrees around in. And Christ, they wouldn't even find a glass of water in the refrigerator, and this is the position that we are getting into.

We have consultants and we have experts, all

MR. JAMES C. JONES (CONTINUING): God knows it is just like the Government Legislature Registration now, you appoint one Monetary this week and next week you give that person four Assistant Secretaries. And this is a mirror image that is happening with our expects and no commitments.

A country Mr. President, reveals that the business that is in circulation is down 6% what it was in 1974. It shows that deposits in the banks are down 3%. It shows that the money supply that is available is down 30%. It shows that non-residents deposits are down 10%. I am not about to tell this house what this is occasion, I only tell you that is done by a mirror of which I am sure that some of the other members of the house has also had occasion to it, but if these figures are any way near correct there is a lot of reason for alarm, because when we find that the Businessman in this country was told to draw on his reserves to the extent of 30% in a year in order to keep his business operating it is time for serious consideration to be given. It means that he has depleted his assets to the extent of 30%. It means that he has left that 32% plus a lot more in order to keep the doors of his business open, and I can speak to you I think with authority on this I am not a genius. I am not an expert but I have been involved in as much business and commerce as any man in this country and I am prepared to tell this country today that Guyana's only one Engineer in Grand Cayman in my estimation making money and that is because Utilities there are not another business in Cayman today that is making money, so it means that you have to seriously pull on yourselves and you must really pull at long. It means that the money is not available in the banks to inject into the economy - so where you going to get it from? You are going then to look for your Guyanese investor and this statistic means that that Guyanese investor has also lost interest to the extent that perhaps he did not have the money to bring into Cayman but as the recession in this country as he has lost faith in the Government to where those deposits are reduced to 10%.

So you do not have to being an engineer like Mr. Blackman may be here to tell us something is wrong. Anyone with any little plain common sense can see the trouble ahead.

Mr. President, we have before us consideration of the 1976 Budget. I have a comment to make on that budget and that is this - it's a budget full of hope. Let's hope we do not have any pitfalls to confront with this year - this coming year - let's hope that we do not have any shortfalls, because if we do, Mr. President, we are going to be in plenty of trouble. We are working on the premise that the Receipts or revenue for balancing the 1976 budget will be $114,000 and we will be exceptionally lucky if this is not exceeded, when I speak again now I'm saying that I consider this to be a budget of hope. I make it particularly in this respect. As I go through this estimates and look through it I find many provisions of Government where for the past years we have been extremely large sums and this year I find only token sums. This was done, apparently to balance the budget. In my to balance it. And Mr. President if we have to use money for any of these Expenditures in the coming year we are going to be in trouble. And as I am sure in my speech I will point out to you the reasons I say this because if the Guyana Telephone Corporation can come out in 1976 that's willing without having a shortfall of less than $7,000,000 we are going to be the luckiest people in this Christ's world and I think $7,000,000 would even cover it.

It is fine for us to stand here and talk about balancing the budget - sure, we can balance the budget what we borrow, the local capital funds or whatever it is from $5,000,000 to $8,000,000 we can always balance the books on one hand by doing that, but we are not balancing it in the businesslike way which is income against expenditure, and we cannot be lured or we continue the policy that we are pursuing today.

We find in the Summary of Revenue that the Customs have increased from the approved estimate of $54,000 in 1975 to a revised of $111,200. Now we expect a further increase

MR. LANGE [Continuing]: of $101,000 or $131,300. I pick this out as just one item to speak briefly on, because we are going there with a rapidly expanding park program, yes, we are expecting a declin in because from it. The other point of this, Mr.President, is that in 1974 the Deficit was decreased by approximately 20m-30m that means that imports into the country decreased by that amount. Imports into the country decreased because construction was at a standstill. The main things that cause jobs this country this last year are the base industries of life, there was no money, there were no permits to build, the Construction Plan, you name one of that. One Department that shows a little bit change or making money has been the Potential, will be increased from $30,000 to $35,000 and $36,000 hoped for in 1976.

On Planning Commission, Mr.President, we show an increase of $44 per 1,000 over 1975. This is a point that I do not believe we should be budgeting any increase on. If its anything it should be a decrease because, do not delude yourselves into thinking that there are not dreams in this country, and they are here in the hands of the young people that could have them, the youngsters, business is very cross they can not obtain enough, and in many cases through the influence of a rebel and drugs they can use these things indiscriminately. So this is one part of the budget, in my mind that we should be clamping down on and not trying to put on increases in it, but a decrease.

During 1974 Peruvian Slands of this Country yielded this country 91,000,000 in revenue, as nearly I would say, 11 and a half to 12 per cent of our overall income. Appraised for 1975 was $700,000 revised for 1975 should $4[illegible] for the year. This, Honorable Members, is a 43m drop in one year. If that is not a significant thing to take into consideration then something is wrong with us. That one particular item, which has been the main stay of the country of this is now down a 43% drop in one year, certainly we must step and examine and this is really about, Mr. President, because the foreign investor is looking at our country closely and he is saying "Why should I put my money there - its worse than the Vietnam". That is why, and it is happening because people are not giving encouragement to it. It is breeding distrust in the minds not only of the foreign investor, but in the minds of our own people. We must remember today that in a neighboring country at once they have lost a lot of faith in the Catalina market, they know that the threat of foreign investors to come in, but the main thing that has killed their property was the distrust and the lack of faith that their own investing public had in the country. They did with what money they could get out with. So one of [illegible] have to worry about that from Guyana because there will be none for you to fool with.

Mr. public [illegible] ask thank for this coming year for one item in our budget and that is there is only one Department that does not show a large increase in operations, and that is the Legislative Assembly. The increase in that being only $139,914 from $[illegible] in 1975 to [illegible] next fiscal [illegible] although we might spend a lot of time in here, although lot of work we may be lot nit, at least it isn't costing them much money.

During 1974 this Honourable House approved for the Justice Offices Commission $[illegible], this we asked $[illegible]. This year we are asking for $[illegible] and we are told that the reason for this is because of Government's revised Pension policy. Now, Mr. President, we voted $[illegible] for a pension item, remember so as it was increased to $[illegible] an [illegible] increase - this year you [illegible] of increase in further and you [illegible]. Or that the reason for that increase is because of Government's revised policy governing this. Well, Mr.President, if that is so let us on this side of the House know what this policy pertains to, whether it means that a man making $10,000 a year in salary will receive

MR. CROSS (Montego Bay Constituency): $3,000 for ambulances - we just what does it mean? Don't tell us the Government's revised policy but what we must assume is the latest revised policy and vote on it. Too many times we have been used to rubber stamp these type of thing in this House and no longer can it be tolerated. We must know at this side of the House just about everything that goes on.

There is one item in that Budget, programme Budget that makes me feel, I white say, quite wonderful and makes me realise one big fact and that is that in all these years there is still a little bit of charity and when I look at the item in the proposed Budget for the poor relief - I see that finally the contingency and the savings of my colleagues and myself are getting us. We have increased that this year from $8,000 to $12,000. When I see that, Mr.President, although I am not a Bible rating man like the Honourable gentleman who spoke a little bit ahead of me, but at this stage I would have to quote some words from the Bible where it says - 'Cast your bread upon the waters and it will return to you". This I am hoping that this is going to return to the poor people of this island in the same manner as the Protestant Survey has returned to Government, because never in the life of a country has so much been lent by so many.

We have been Ministering in this House, from time to time the implementation of an old age Social Security System and I am submitting to this House today that it is no longer that it is not time for us to wait any longer, the time is now. If we continue to wait on our wealth we will wait until old age has killed one hundred per cent of the population that we have in the Island today and when we do get it all we will get is one of these wonderful National Health programmes, and we do not want that, we want everything that is available to the people of this country. Something that the people can be proud of, something that the Government can be proud of. Besides that, now think that can help prevent the economy a little bit.

I know it is difficult for some of my colleagues to be able to speak about this, more so for the greatest pain, Mr.President, is human nature is the skin of the new life - the just like taking the sweet and drinking it through the body, but we hope that someone will take notice that these things will be done because do not tell me we can afford to pay such an extra for a family of four people to live on $10 a month, poor relief. I know one Chinese will that $10 will never be able to have electric lights, nor he might have anything else.

This year we are asked to vote $4,500 towards the Approved Schools in Jamaica. Now I know nothing can be done about this at this time but I am hopeful that in the 1977 budget that there will be a figure included in that budget to set up these schools in Grand Cayman. This, Mr.President, is like our prison system - it is time that our prison system be sorted out. We have discussed this in this House for the three years that I have been here. Our prison system is something that we cannot go forward into the twenty-first century with. The time we passed when a person commits a crime and you deport him away to another country, like the English did to the present inhabitants of Australia - this is all we are trying to do, the only object is that we will never irremediable hurt by doing that. And we must not do. This must stop tonight. The youngsters who are sentenced to these Approved Schools must have these approved schools available in the Cayman Islands for the person who is sentenced for a crime must serve that sentence in the Cayman Islands.

I would even go so far as to agree to have the prison system set up in Little Cayman - sorry Little Cayman, but we must not take them out of the natural environment. We must not take them away from what has given birth to them in their own country.

MR. CHARLES MACDONALD (CONTINUING). I may be criticized highly in my next statement but at least it will show that I cannot only criticize but I can give praise. I think that in the past year we have shown some improvements in the Police Force. I am not going to tell anyone that I am satisfied with it one hundred percent, that would be stupid. I don't know what is the reason for it, but I am of the opinion that we have gotten some improvement. I believe this could be attributed to many in some of our own local officers and some of the recruits. I think they are working in many ways very hard to win the respect of the community and I think that we, as legislators, and we as people of this country ought give them at this time all of our moral support that we can give them.

I personally have said in this House before and will reiterate it this morning that I would like to see the police force in uniform around town. I believe they would win the esteem of the majority of the citizens of this country as well as being something for the tourists to see if we had a military parade of our officers and recruits at least once a week around town, in full military dress.

I hope that we are giving consideration in the next year or so in giving our youngsters who have been recruited in the Police Force a chance to be trained abroad in modern police methods. I hope that we are not going to keep them all here just to pick crowd here - I say that we are going to pick the cream of them that we have and send them abroad for the type of police training they should have, and I am not referring to some of the West Indian countries that we usually send them to either.

Commenting further on that subject, Mr. President, we also have in the United States and probably some of the other countries around some Companies who have joined forces with the Police forces of some of the state territories - some of them are lieutenants, army Captains and some may be just recruits, but I think that it is time for us to make a determined effort to try to get some of our own young men who are qualified in those fields back here to try to lead the Force. I think it is time that we do this, Sir, we have a lot of them.

Now, if we expect the Police to do [illegible] as they are like a carpenter or any craftsman, they must be given the tools with which to do that job and we cannot expect them to [illegible] to do a job, Mr.President, when we give them a piece of legislation that tells him it is out in the darkness and "apparently" a person the age of twenty-one, arrest him. "Apparently" as we argued here on the floor for days what this has to say through, was stupidity and it has proven so because as much as this is going on today I stand for correction,but I doubt that there has ever been [illegible] arrest,what you think a conviction under that law, so low in the Devil's world are we going to [illegible] a permit to one of the hotels because they think the bar-tender is willing to overcome under [illegible] and he gets there and this piece of legislation has tied his hands that says 'apparently' at the age of twenty-one - what is the police to do? He could arrest me, thinking I am twenty-one, I believe I look younger than some of them with me all over their face, you know.

These things in the law must be changed, Mr.President because in many cases these are loop-holes that can being used just to enrich particular people. I am calling on this House today to ensure that the enforcement of the laws that we have in regards to the liquor laws must be enforced, in regards to the sale to minors. You have kids today in this country and you never know that in that kid can hold up the fifty cents piece or whatever it is, to pick up by one at the top of the counter, he can stand there and drink till Christ comes. We have unlicensed liquor establishments that you go around and you see the police sometimes in them, yet they tell you they don't know anything about that. You find establishments that are supposed to close under the law at o'clock, or eleven o'clock or twelve o'clock, staying open until four or five o'clock the next morning. Now no one can tell me that in a country

MR. JAMES H.HUNTER (CONTINUING) This small the few people that we have that somebody should know what's going on. The time for coverage is up as passed.

This is your reserve subject, Government, and I hold you responsible to see that compliance is done about it because the Police is your subject and if the Member responsible for the liquor laws cannot see that they are enforced then I am asking you to see that they are enforced.

Mr. Speaker can we accept the House talk with honey, we must action now.....

MR.PRESIDENT: I think if the Member would accept an interruption, we might suspend for fifteen minutes, unless he is going to be much longer.

MR. JAMES H.HUNTER: No, that's fine with me, Sir. I hope to go on until about 6, and's willing...

MR.PRESIDENT, I will suspend for fifteen minutes.

HOUSE SUSPENDED
HOUSE RESUMED

MR.PRESIDENT: Proceedings are resumed. The Honourable Third Member for Paddon Town has the floor.

MR. JAMES V.SOMERS: Mr.President, before resuming on the main part of my speech, I would like, obviously I did make a slip-up and my brain must have been thinking a little bit faster than my tongue. I think I said something about the Legislature through having the secretary secretaries - that was not meant in the way it was said. What I was trying to say that something or the other had increased like how it was in the Administration, with one Secretary being appointed when the most were, three or four, so if it came out otherwise it was not meant that way so I would wish to apologise and wish to have it corrected.

Mr.President, in speaking on the Police Department, one part of it that I am not absolutely in favour with is most I consider to be the lack of traffic patrols. I think that we could have much more evidence of the traffic Department around the Islands, not only just the Islands but really the high-ways of the Islands.

I am going to touch at this point on the drug traffic. Most people in the high places seem to think it is not a problem because we do not have many arrests and we do not have many convictions. Mr President, I submit to the House that is a myth. This is a growing problem in our country - it is more and more in evidence every day. Just a few days ago, coming to the Assembly a lady approached me with letters in her hand at my office to the Assembly with me and I was ashamed to be seen with him. This was a man around 37 years of age and he was so high from the effects of some kind of drug that he was so ring about to beat up in the air. I had to finally agree to sit about it, as good as I knew him, I said "It would appreciable if you would go on the other side of the road", so this is serious matter and worse - it is not just affecting the youth, it is even affecting the people in the higher and hardcore people. We must do something about this this we cannot have problems in this country to be corrected, it must be completely eradicated.

I know that we discussed a lecture a few days ago from the experts in regards to prevention and we might not be able to eradicate the narcotic, but I believe that we are in a position to do what is necessary the sale of dope in our Islands.

Whether this effects, in the way the small man is in favour for his man, nonetheless what he is, it is time for

MR. JAMES ALLWRIGHT (CONTINUING) ... to be doing it on an ad hoc basis. This type of thing must not be allowed any longer. If it means higher penalties, if it means indeterminate sentencing for judges, whatever it takes we must have this thing eradicated.

This has been happening for a long time and as you go across to other countries today you can see the adverse effects of the permissive. I know that people will consider my argument by saying that different races have different boundaries and, also, that marijuana is not habit-forming and that marijuana is not detrimental to health. Personally, I cannot believe that. Mr. Chairman, because I have seen some of our youngsters that we graduated from our high schools with a string of A levels that it took a hardier looking to carry them around and a few months later was over here on the street and we didn't know whether they were in Grand Cayman or they were in New York, and it was an disaster.

We must not be too particular about the man who has his own cigarettes (although I do not condone that). But what we want is to get to the source and the only way you can get to the source is - by a tough, full it up to the roots, and regardless of who it hurts, this must be eradicated.

I think we could go a long way towards erasing this if we had an adequate patrol boat that could search out our enemy, could intercept vessels before they ever here anywhere near our shore. Unfortunately, if we had strengthened our Navy here, for your like my self-respect and a few other Members on this side of the House and myself spoke out about the need of the enforcement, I believe we would go a long way to eradicate this, because when that ship is on the high seas and the captain would know that his life was in jeopardy, his owners' vessel was in jeopardy, it be brought down to us with papers. Then something would be done - you would have maritime power trying to control it rather than just the police. Your ship would arrive here in the harbour and it would not have the guns because it would have been thrown off two far away to float back to our shores - instead of going off on two reefs, as that ship is today.

However we responsible for this cause about to be brought to this house. I don't care if it is a minister or the community, or who it is - whoever is responsible - bring them to this house like a murder trial if you have to do it but lets rid this country of this.

I was very pleased to see that the nose idea that was been put forward and championed in this House by the stupid people from the Eastern districts will be implemented, and that is the Police Cadet School and the Special Constables. I know we will not get any profit for it, I don't want it. I am quite entertain to let it go some other person. I am only pleased to see that its happening. This is the way that we will train a Police force, this is a way that we will build a police force that will command respect, because when we take two youngsters at 13 or 14 years old that is when their minds are very pliable, that's what was like opium of opium, you see what it. From that age on these kids will learn to accept responsibility they will feel that they are an integral part of the community and then when they are old enough to step forward you can just move in there and take the best man out and put them at your full police strength. I think we should be very proud to know that we are considering this and not just considering it. I hope, but it will become a fact in the coming year. The type thing can be said about the Special Constables - again, I think that every man that lives in our country should accept and be willing to undergo the responsibility of living in that country and play his role, and play without looking for remuneration. I believe that ... we could have a very efficient system in this Island should we implement the Special Constables system. So that we presently would have a hundred or more scattered throughout the island that would be on volunteer basis.

MR. JAMES ALEXANDER (CONTINUED): Those people could help us tremendously in seeing that the laws are upheld particularly in Mastic/Shirley community that they live in. My hope that this coming year these tax things will not be just talked about but will be fully implemented.

We voted in 1974, Mr.President, to spend $1800 to purchase land and survey, but instead of that we only spent $200 - Mastic had we spent $200 on the Good Society? It couldn't have cost much. How we can exceed the budget in every other thing nearly, except things that really get down to the grassroots level of our community and I submit to this house that this is one of the items that money should have been spent on and I am hoping that in 1975 we will not only spend the one thousand dollars which we will be voting on but that that will be one of the items that will be exceeded by at least twelve hundred and ten and that needs speak to be additionally. We are dealing there with our Middle country and all the people - we are doing something for their good and if we only save one life it would be worth one million dollars regardless of how sentimental we may think that life may be. Those are the things that we are putting back in legislation now and it is the things that we must uphold and fight for.

I will say this that I personally, Mr. President, am prepared to continue to attend this problem and to see that it is pushed along until something is done and that is for the vigorous support of this entire House.

I will proceed on in my speech, Mr.President, by coughing on Head 5:5 I think it is the Finance Department. But before I go to that I think I would not be doing my duty if I did not comment on something in regards to Head No.2. We are not put in this House just as Members to represent the small community of Bellom Town or the principality of Saint Paul. We are put in here to legislate and look out for the welfare of the entire country and it is quite evident when I looked over the Estimates of Expenditure for Current Items to see that the Honourable Member Mastic just walked have been on vacation back or doing the duties of this Government some other place. I think I found out that he was accompanying the Government in a foreign country - I am pleased to know that he was able to do that - I hope he enjoyed himself. But I believe that his colleagues should have helped him along a little bit here and been a little bit more generous. They met it I will leave to his because I am quite certain that when he gets up to speak he will be deliberating his or reasons as to why they were so derelict in their duty to Cayman Brac that they did not vote a little bit more money for him to work with. I see they remembered him though, when it came to severance - retention of servants.

Mr.President, under Head Nos we have an allocation for the 1976 Budget of $400,000 for electricity, I think it is for Electricity and Telegrams the it is usually listed under. Now that represents $40,000 increase over the 1975 budget. The 1975 Budget was $360,000, now this is not surprising to us knowing, Mr. President, I can usually see why it is going to cost this additional $70,000. In fact, I will be surprised if we do not find out it costs $100,000 because what we consider the high extra structure that we are paying for electricity, and what we envisage what it will cost to run condition the Administration Building, then I know that we are going to spend more than $300,000. It is will be a good time for me to touch on something else as I will not be supporting fully the amount of the budget when I speak on that and that is I am hopeful that during this session of the Assembly, that this Government will see fit to table in this House the Franchise Agreement under which Caribbean Utilities operate. I think I am right within my scope of order when I call for this under this heading, because we are increasing expenditure by $70,000 for a specific item. I think this would be a good time for us to have this subject completely aired.

MR. JAMES MAJORS (CONTINUED): We were told that this could not be done but were told this was not the proper place for it, but I submit to this House that this is the proper place, this is the seat of Government. This is the place in which all our laws are made. This is how place where all the people's representatives sit by mandate from the people, and this is the place for Caribbean Utilities' agreement with the Cayman Islands Government to go out and it may be put - we must see it.

We were promised that an expert was to examine the rate structure and should he find that the increase was not warranted certain relief would be given. Now this, Mr.President, was at least a year ago that we were promised this, but don't make what we're paying that appear so high? Instead of that I hear rumours of yet another increase. Now this one by I not sure 50%, Mr.President, unless it comes by this House, the people are not longer willing to tolerate increases like has been incurred in the past.

I am asking that this expert's report come back to this House, come back in as quick a time as it can - not just "whenever. We have waited long enough. The public has waited long, enough.

I recently read an article in a Miami Herald concerning the utility companies in Florida. There was more of a scandalous story about certain utility companies in Florida. (Now bear in mind these companies are closely watched by many agencies, federal and state) and people though these companies were associated as to what they can charge, although they are permitted as to the profit they can make on their investment, which I think is only anywhere around 6% most companies to pay it. 1975 these companies had made as much money in 1975 that they were ashamed to admit it. Now that was the gist of the article as a reporter. Now if that is true of Florida I see you to research your mind and tell me what we are about to? If they were ashamed to admit it then these people across their faces in the sand like an ostrich.

I will say this that if the truth was known and if they had any humility at all in their hearts they would bow their heads with shame to see what is happening to the people of this country.

Mr.President, we owe it to this country to see that no one with a vested interest has the right as a member of this House to murmur or argue in favour of a further raise in rates for Caribbean Utilities. And I am asking you as our Queen's Representative to see that that law is enforced. No human being has ever been able to serve two masters and if that was true facts history bears it we just as this case.

Mr.President in daring my imagination as well as it define the complexion of many people in this country today as to how our Government could have been hood-winked into building a building like the Administration Building. I am proud to see that our country has gotten to the stage where it can have suitable office accommodation. I do not envy that I am proud of it - I am a Caymanian, but Mr.President, I am not proud when I believe that people are able to pull wool over the eyes of our good common sense and intelligence to the point that we build something in a tropical climate like this out of glass. This, Mr.President, is not a good economy for the air conditioning system - its going to need three times as much as have that building cost as it would an ordinary building and don't tell me its the policy, because I don't think it is.

I submit to you, Mr.President, that it would probably take 1/4 of the supply of electricity that is generated by the Tennessee Valley Authority to keep that building cool. I have only been in it twice and the Member's office that I was in, that the Member of the Executive Branch over there. But some other Members of the administration department and they have asked me "Step over here and put your hand on the glass" when I commented how hot the office was and it is impossible to keep this thing cool. That is one of the inner circle.

MR. JAMES HARKNESS (CONTINUED): Construction costs at this building have exceeded all imagination and expectations. The public and myself are asking why? Who renewed the contract under which that building was built to be billed in this manner that we, the Members of the Independent Party and the opposition will have a chance to see it? There is too much extravagance. Extravagance leads to added expense. That is what has happened in this particular case. We started out with a building at X) amount of cost and we have wound up with a building at (X) amount of cost.

Mr.President,I submit to show those that one of the reasons for that is that the contract under which it was built. We have another contract which is full of loopholes just as so many other contracts of our Government.

In a recent question-time in this house we found out (I take that back - it was not in the House, in the Committee Room) , we found out that in Dr. Cuthbert Labour costs eighteen months ago was calculated for a carpenter at $2 an hour, for an electrician at $2 an hour, for a plumber at $2 an hour - those were wages, Mr.President, we have been paying eight years ago. So it is not hard to realize that under a contract we leave ourselves open to all manner of claims. The Government would be responsible for it. It is not hard to figure out why this building has cost the amount of money that it has done. Because if you can find an electrician or a plumber in this country today to work for you for less than $5 an hour you are inexplicably lucky. For we were told and in that contract were set prices that existed eight years ago - those are the things that we question, those are the reasons when we question, we think we can help - we are not doing it just to criticize. Because I am certain that if that contract had been placed before this house there would have been some very heightened feel on this side of the house that would have caught sight of that one item. And it would have saved our Government approximately $155,000.

Mr.President, we have the contractors and the questions of the people's rights - they question us as to what is happening and that is their just right. We must have the answer to these questions and I am positive of this time the similar circumstances and the similar answers in regards to the office furniture. Why did it cost so much? Why did we get Dr. Hughes discounts from the suppliers that we should have gotten? Did Government get benefit of them or did somebody else? I am told, according to sources now, that some of these mirrors up there are furnished more elaborately than you would find in some of the area residences, in some of those we have. Now Mr.President I cannot consider that to be wise spending, not for a country of this size.

Mr.President, we come to page 77 of the Estimates and on that page Mr.President we find a figure of $97,300 for the Ombudsman System. Mr.President, I am prepared to say in the Assembly, to stand on my feet, until hell freezes over before I would vote one cent for that breathing monster.

I say that the Ombudsman system has helped in many cases - I would be a fool not to agree to that but believe me it has also hurt in many places and I am prepared to see it done away with and now because if something is going to hurt as much as its going to help, then you must choose from one of the other evils and I say the evil would be if we kept it, unless the present members

I was invited to say a few on this particular subject but I am not going to say everything that I was going to say because I note I have a motion tied on it also. I will say this, that if ever a country was lulled into complacency by sweet words and promises this was what happened to us in regards to the Ombudsman survey. We were promised everything in this God's world would be used - we were promised that we would have an eye of togetherness in this island that the world has never seen - another would my honour friend brother and Mr.President. But now because there is nobody left for another to fight brother for. It is true.

MR. JAMES KANGOOM (CONTINUING) Recently a motion was brought to this House requesting a change in this law to the point completely its constitution, but, as usual, Honourable Members, that was rejected to failure before it was ever considered. I am going at this particular time to ask the House to bear with me for a few minutes while I recount the history of this law, so that everyone of us can fully understand and appreciate what the Government system means.

In 1971 the introduction of a land Bill was asked for by the Assembly and Government agreed to a period thirty days motion. March the 23rd 1972 leave to introduce the Bill was denied by this Honourable House. Now, Mr.President, it has to be an unusual thing that is ever denied by this House. Whenever you can get the full membership of this House to unanimously agree that something is wrong, by God that thing must be wrong, because I am certain that if we search the history of this Island Commission and to the other we will never find such a thing happening before and I doubt we will ever find it happening again. The only other time I think this ever happened in history was when the first elected Member was elected to executive Council by twelve members of this House.

After this happened, Mr.President, the Governor was recalled to London and he reported back to the House with orders from the Secretary of State and he made this statement, among many others -

" These bills will become law whether or not the people of the Cayman Islands want them".

This is the point, Mr.President, when every member of this House should have resigned and for the Governor at that point rule by caprice, and we would not have had these things to be arguing about today, because I submit also, as I have many times in the past, that if we, the Legislative Assembly of this country do not know what is best for this country, then to who else should, and even though by the legislative vote we lose so many things that we think are good for the country I still feel it was by the majority and the majority should prevail. And I am quite willing to get on my bended knee to that, but Mr.President, when the vote the House says "no", then there should be no one to overrule us.

We were born naked and I am thankful to God that I was not a member of this House at this time, because I believe I would have lost my cool.

The Lieutenant of the Assembly at that time when he left into the Chamber, Mr.President, did not address the Members of this House as being irresponsible people. That shows the respect that was accorded to these Members.

June the 5th, 1972, the bill was re-introduced and the introduction was abstained by the Honourable Member of this House as a conscientious, or standing Order of the House which states the time of re-introduction is six months - never-less to say, Mr.President, this failed. After this we had a delegation come to this future headed by Mr.Lawrence. He was brought here to observe first and educate the feelings of the people. He had meetings in the public areas of this Island, later on a delegation of seven Members of this Assembly went to the Turks and Caicos Islands.

The Legislative Assembly at that time answered to no avail for the difficulties of ownership' and the guarantee of the people's rights as Caymanians and stated that all which was voiced in vain could be the test of patience.

What happened? We find the Members on one hand pleading to get these things rectified and we find Government on the other hand using the whip-hand and saying "It shall not be debated". Now, Mr.President, we talk about the land grants - there were five Lands grants issued on this Island and there is no one knows who and where they are at. But I am stating to you in this House today that all land in this Island is owned by the people of the Cayman Islands and we

no legal authority (whatsoever) by the Crown. I submit this to you for one reason - for over two hundred years this country was a settled country. For over two hundred years my forebears along with the ancestors of some of the other members of this House ruled this country - we had no out-side interference at all. We had no paid representative from the Crown for over two hundred years - this was a settled territory and a whole lot by settlement and for two hundred years or more of ruling themselves, the Government lost all rights to any lands that had

I submit that they lost their rights in a similar manner to a man being missing for seven years, and you can go to Court then and legally declare him dead. Their rights were lost. They had not taken care of their vineyard and by not caring care of their vineyard they have forfeited that right and that land that is on this Island today has always been private land and I will continue to argue until my dying day that it is still the intention behind the law, and still the intention of the people of this country that that land is private land

Anyway proposition. By Agreement, gave my land to our Councillors and if any Member of the House thinks that this gray fool is talking on his own I am prepared to refer that to the history of this Island which as in many volumes like that from the Colonial Office and Settlement after Settlement written by the officials in Jamaica to the Colonial Secretaries in London will prove that they believed Government owned no land in the Cayman Islands.

Sir Kenneth Kemper who was the Governor of Jamaica in 1944 wrote to the Head of Bodden Who was Colonial Secretary and he stated in that letter that there was very little bit of Crown land on Grand Cayman or the Cayman Islands and he would advise his Lordship not to even go into the idea of trying to determine if Government owned any. This was done at a time, Mr.President, when phosphate had been discovered in this country and the Mother country was very anxious to find out if there was a royalty to receive.

We go further on: in the same meeting of 6/8/71 Members of this House said that they would not object, provided the Local customs, the unwritten laws, the normal adopted customs were respected and written into the law. This is what the House agreed to. Councillor Jessica Bloch Committee session and yet in the same Session the Honourable Second Official Member said - " I can see that so that will be Crown land. I can hardly say unclaimed and unoccupied land in the Cayman Islands". Now this is a statement which we must think we consider to be far from Government and yet we have a catalogue of grievous which I will come down in my debate and prove. This should not be allowed to happen.

6/8/71 there was a select committee of the entire House with the Second Official Member as the Chairman selected. The Committee made a report to the House (Annex B, sub-clause 2 (a) to read " For the purpose of this section a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agents, tenants, or servant actually uses or has used the land or the exclusive use of the public, provided that where or is established whether by long custom or otherwise that any parcel of land includes an area of swamp or cliff land occupation as that of the other areas of such parcel shall be deemed an imply possession of the swamp or cliff land also". Not any further elaborate on what this means. This means that if a person could prove any kind type of possession to a piece of land whether it was by himself personally, his agent, or tenants also under his control that that land was established his by possession. By local customs, it was implied that any area of swamp or cliff land was owned by the person claiming that provided he had occupation or use of another portion of land - it did not say that he must own 10 acres of good land to claim any hundred. It said so long as he had this or one of the other areas of such parcel, shall be deemed to imply possession of the swamp. So long as he could prove that possession.

MR. JAMES (Mr. Speaker interrupting) Clause 17 (2) to be amended as follows: "The adjudicator shall adjudicate upon or determine any dispute referred to the Tribunal under subsection (1) having due regard to any law or local custom or condition which may be considered. Well, we have a lot of talk about "local customs" and conditions - we have that for local custom that prevailed in West Bay in not the local system for Bodden Town - that's ridiculous! The intent is all well, if it were - yes I could hold it in my hand, we aren't talk about a different system - there are a few lots - clauses that I wouldn't bring them up to day as to what they would be.

Clause 26 - an amendment was moved to clause 1, on Motion(ible Memory of the Clause to insert after the word "Administrator in Council" the words "with the approval of the Legislative Assembly". That was a very wise move, Mr.President and Honourable Members, but as usual it was doomed to failure before it was even conceived. When that was done, Mr.President, it was done in this manner. That particular thing arose in this vote and the six vote was broken by the Chairman using a casting vote. Now, Mr.President, I humbly submit that at that particular point the motion has should have been scrapped because this was against all rules of order - this was a continuing thing, and the Chairman should not have used his casting vote to break that tie - it should have been left to continue until a majority of the elected Members could have been present and let that Government decide it one going forward or not.

The first Committee's report, Mr.President, on Crown Houses - was signed by only six out of fifteen members and only four of them were elected members. Four out of twelve even after all the elections had taken place, still only a third of the members were willing to back the report that came back to this House.

I am going to go on now into the adjudication sections. 2/7/73, 12/11/73 The adjudication decisions by the Registration Court have shown and again clearly the adjudicator's position on swamp lands - the high-water mark for all practical purposes is the line where the mangrove meets the sea. Now Mr.President, we come to an adjudication meeting on 1/20/73 and this reveals a lot. This reveals in that particular meeting, Mr.President, that there was an operative directive dated 5/6/73 which dealt with the appropriating of swamp land throughout the Island. Now this is right. To I have somebody on my side for me, either give him a directive by word of mouth or a piece of it to him in writing as to how he was to go. If this was dealt with this Government, but, in this particular hearing it was revealed that Budgen had an unsigned directive which was dissimilar to September, 1972 which was different. Now you will appreciate this thing, Mr. President, because the three of us on this side came to your office with this particular thing, we went through many meetings with the men in charge of the Cadastral system. People in charge of the Lands and Survey Office and we were told by authorities said as they believe. I saw the previous Governor and I would not get to answer me if I am wrong, but I thought it was you...

MR. PRESIDENT: You are correct,

MR. JAMES McCOY (continuing) After all these meetings, however the Honourable gentleman and ourselves we were told and assured that work is being carried on industrial aviation regarding the eastern end of the Islands this is what we were told. They knew nothing about this new directive. Finally, Mr.President, we had a meeting I or I had a meeting! Mind, Mr. Donilly - a file was produced and there was this directive difference now. It wasn't produced, I contacted for it, at last point I wanted to find out who was responsible for this and Mr. Wright, who was in charge of the Cadastral system at the time was called to Donilly's office and he admitted that he had put this directive in but like in what Cadastral was now operating under. But in this case the answer work was not and this because the Adjudicator set the case for the rulings of the Reasons and of the Island that we need, as it a rule, which is fair to swamp land can be examined on the basis, pending the ultimate legal decision which is necessary to lay down the guidelines for Mr. James (the future) adjudications of swamp land in Grand Cayman. Sure now at this point,

MR. SAMUEL T. BODDEN (CONTINUING): Honourable gentlemen, today we are going contrary to what obtained with Mac Pay and George Town and this is when the thing is changed, Sirs, it had been agreed that the agreement was for the benefit of the Crown in West Bay and Seven Mile Beach so we do believe, Sir that point we have the advent of Mr.Brown who takes over from Mr.Evans (I have more to say on this as I go further, but, and to date all Swamp land claims that have been adjudicated west of Grand Cayman Estates up to the Cayman Kai boundary, which is just as swampy as any on the west or it, has gone to the Crown, not all but, and the majority of it. Now I am dead against the Crown having what things is having, I am dead against for Crown having what belongs to me but my God, great is what I think is mine too, and I am saying the people of the Eastern Districts have been fooled and although I was against the vote in 2nd Rdg. it may be a good idea to locate the canal there and let us decide away from the rest of us.

I say that the taxation have changed so do drastic - there is no more challenge by the Government as the swamp land issue - they are now challenging on the basis that it is waste lands but as the Government have the high-water mark on the shore-line under common law that the riparian owners title as far as they wish to go. Now, this is what they are doing - they have changed the complexion shortly when they call me it was only the directive. Stupid Commissioner directive which is wrong and unconstitutional you are taking away what belongs to the people and Mr.President, there is going to be a lot more heard about this before it is changed. I am asking the people to wake up before they create any more trouble.

In this particular area we have had cases of documents over sixty years in existence which clearly the boundaries and yet although sixty years is supposed to be a title against the Crown, they could not stand up. I say having said that this has been the biggest land-grab in history - Government should be ashamed to take away the people's right in this fashion. The position of our Government has been lost - the people are no longer looking on it because of this play. The fact that it has it up to the foreign investor is beginning to be at last.

And now I am going to touch on a very point. I am saying to this House that the adjudication hearing which is presently going on in our country is a farce - it's a kangaroo court presided over by a biased individual. First of all Mr. Chairman should.....(you will excuse your humble servant) the man should never have been appointed in that position because he had to be biased - he was in charge of the cadastral system of this Island and with all the knowledge that he had as individual alone and so forth he should never have been put in there as an arbitrator to give an unbiased ruling - its impossible - no human being could do it.

I personally will never be satisfied until our Government acts justly in this matter. If Frenchmen had come to the people and said we are going to put this into a National Trust we are going to develop it with you having a partnership and Government 51% - " you could have sold it to the people - it would have been - everyone would have wanted Government to get something out of it but my God, do not take away from the people just because you have the power to do it Mr. they eventually die.

It was mentioned that the weakest link in my is Cayman such a - the word I was wishing to generally reference to be true, and this is what we are doing. We are wishing, we are dreaming ourselves and we are making ourselves believe it is true.

Mr.President, many climaxes never amount until this Constitution and I am speculating that it is not you here yet for those who sit in awaited positions to change this attitude or this before this country has more trouble.

Give us what belongs to the people. While I am on land matters, there has been talk on the grass and the Honourable Third Official Member touched on it in his address about the and tax and so forth and so on. I am interested to see his comments on it, but I believe there was an intimation at one time that this should be done, it reminds this Hon. House we are dealing with Caymanians the native population of this country, plus the transients from abroad.

MR. JAMES M.MCPHEE (CONTINUING): And no man is going to be taxed out of existence. You must remember that that is what created the greatest nation in the world today, was taxation without representation. And this is what our country is having today, is taxation without representation because our people are represented by only 12,070E per cent of the registered voters of this country. That's what it is - I'll show you the figures as soon as we have that type of thing we are going to have room for doubt - we are going to have room to re-consider.

You know, all through history Caymanians have been very patient people - they are not easily provoked to wrath. When you beat a man against the wall there is no other place for him to go but forward. Remember that, and I feel that in so many cases today that is what we are doing - we are backing a man against the wall and expecting that he is going to go backwards on that wall - there is no place for him to go back forward - remember that, and we will never in this Island provide for a land court to do income tax, because for the first thing the two would never work - it would kill everything that's ever been started in this island and on which we have built the heritage of this country, so if there is anyone in this Government that has that in the back of their mind, now is the good time to put it out.

On page 85 of the proposed Budget we have a $14,000 contribution to the UN Development programme - personally, Mr.President, which will add respect to the great United Nations, I wouldn't vote one penny for that because if it is U.N.'s expertise and advice that has put us in the condition we are in today, I say then we have no room for them - let them go back to New York - but they continue to make the noise that they are nations of the rest of the world and leave us alone. Because every time we turn around we are hearing this man in from the U.N., he is attached to this and he is going to tell us this. And we find that we get ourselves in a bigger mess than we had before. But then take their socialism and communism and go some other place with them. Leave us alone. So personally, Mr. President, I could never agree to voting one penny for that, until I see some concrete good, because I can remember going back years ago when we had the U.N.advisers come in to advise me on the Development Plan, and my God we have had trouble since then.

MR.SPEAKER: I think if the Honourable Member would take another interruption, we might suspend our lunch at this stage.

MR. JAMES M.MCPHEE: That's O.K., Sir, thank you.

AT 12.50 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 P.M. THE HOUSE RESUMED

MR. SPEAKER: Discussions are resumed, .

MR. JAMES W. SCOTT: Mr. Speaker, honourable Members, at this part of my discourse, I will be directing it to the Customs Department. The Customs Department's figures reveal that in 1974 this Government received in Import Duties $4,800,717. As usual even in a recession year you try for an increase, so this time year we budgeted hoping that we would receive $6,000,000. I see by the Estimates that it is revised again and we find that if we are lucky we will come out with $4,500,000.

Mr. Speaker, this shows quite a decrease over 1974 - it shows a much larger increase over what was expected for 1975, and we are hoping that in 1976 we will get $4,800,000. I am presenting these figures to this Assembly to prove the point that it is time we woke up. Customs Duties for many years have formed at least 40% of our recurrent budget, or forgive the saying to keep the recurrent budget, I should say, going. But when we find that it is decreasing we must stop and think. This decrease, . . . is an example because of the world-wide recession but we cannot sit here and blame the world-wide recession completely for all of the ailments that this Government has. It goes much deeper than that. This has happened because of the policy our Government has pursued. We have pursued a policy that is controlling development. We have pursued a policy where people have lost faith - - we have pursued a policy where money is not available locally and if we continue on this policy next year, don't willing, the people that follow us will be in here debating a budget where they may be only looking at two and a half million dollars from customs. Now when we increase the expenditure on the over all budget from approximately eleven million dollars last year to around fourteen plus million this year, it is quite an increase, and if we continue to get decreases like this in the Customs Department then we have to find some other way that this can be filled with. I will be submitting later on in my discourse some additional information on this and I hope that the people that be will take them into consideration.

Information again has been submitted locally and circulated which shows that imports for 1974 are down 22% over 1973. I cannot, nor will I try to say that these statistics are accurate but if they show any way near to being correct it is something that alarmists the imagination. This means that the money is not circulating locally. It means Government revenue is even going to be down much more than the figures I quoted awhile ago. This same source, Hotchpotch Continue and Lady, tells us that construction is down 22% and this must be true because sister Gordon tells us that work permits for 1975 are down 30% since 1974. If these figures now compute then it means that the construction trade is suffering and suffering badly. We must look at the fact that we cannot escape and that is this - it takes at least ten expenditure from 100 dollars to warrant to what this electricity gets from the person who builds a home and lives in it. We should be giving due consideration to tapping the markets abroad to try to utilize the actual person to come, invest and have his dwelling space on these shores. We have got to give this deep consideration because if we do not, it means that the number of our men today who are employed in the construction trade who were world-renowned tradesmen have now been fit to leave and live abroad with their families and to apply themselves in the construction trade. It means that these people are going to be out of work - it means stoppage of the entire economy, so we have got to get our heads together - we have got to forget that this house is controlled by only one side of the House - this must begin to be. A united House and it can only be a United House when both sides understand where one side is trying to lead to. As it is now, the Members on this side of the House are not as blind to Government's policy as the old horse was in the Lorna and Baggy days, when you put the blinds on him and bound to find he steered you in the right direction.

MR. JAMES M. SCHOLES (CONTINUED): We only come in here to approve policies after they have already committed. This day and age this is not acceptable. This is a democratic society which was founded in the blood of our forefathers who experienced a hardship many an oppression in the respective countries they came from or they would not have not been willing to come out into a wilderness like this and stand up to the mosquito problem and try to build this country. So what they have done we must carry on. And I am prepared to see the day when this house will decide that it is going to work together for the prime ground of the people and we will not submit to dictates that are given to us by someone else.

I would point out at this time that it would be possible, may be, in the coming years, to increase the revenue from Customs duties if we pay a stringent regard to the importation of goods and tariff barrage. If we see that something is done about those two items it might increase the budget a couple of thousand dollars at least.

Head No. 1 - Legal Department. Under the budget this calls for the appointment of an Assistant Attorney General. I would like to make one thing plain at this time that I hope whenever this post is filled that it will not be a political appointment. I hope that whoever is accepted for that position it would be accepted on the basis only and that is merit and ability.

I would like to convey a bit further on that particular subject by saying that I consider it an application of this House and Legislative Assembly, whatever he may be, to be an impartial arm in this Assembly. I think that when the Constitution was put together and that part became a part of the political process that is was not intended just for additional work on Government's behalf - it is my opinion that that was done so that this Person could have guidance, could have suitable machinery and could have to turn to impartial person. So I am not along with the belief and saying that the Legal Official Member is here only to guide Government's business. I submit that the other House is Government's business.

Head No. 10 - Agriculture. This shows that our Government and the Member responsible is really beginning to get concerned about agriculture. We are preparing for 50% to spend about 1½ and a half per cent more money than we did in 1975. This is one part of the Budget that has been increased and I think rightfully so. However in so view that Government begin to provide agriculture and promote it a little bit more. Agriculture will never be, in my opinion, the mainstay of our economy but I submit that if Government were to pursue a policy in regards to agriculture where they would give more monetary support, more moral support to those who are into agriculture, it would be possible that it could survive in this country, otherwise then that it is going to be a dead business. Six days of the farmer toiling out with his mosquito net and a machette and trying to dig a few holes to plant cassava and corn. Today it has to use mechanical equipment to clear his land. He has to use mechanical equipment in newly reigned and a man does not have the money to buy that sophisticated equipment. The mechanical equipment is already available through Government but instead of that it lies idle in some locality and some place. Instead of being put to use in agriculture.

It is fine to say that we are going to spend a little bit of additional money but when we spend this additional money it should be spent wisely too and it must be done in such a way that the policy is effective and that the policy helps everyone that it is intended to help.

In 1975 we spent $81,115 in the Department of Agriculture; this coming year we will be spending $ 98,736 but that is only a small amount of money and the thing that comes to wonder of this value is whether this $17,583 additional will be able to take care of the additional agricultural land which we are planning for. We wouldn't mind that subscription if we were seeding it with the same to

MR. JAMES M.PATTERSON (JAMAICA) plans for this amount.

The only comment I would make on that would be this that I hope we can rest assured that the Member responsible for this will work a similar miracle to the one our Good Lord did with the loaves and the fishes. Because if he is not in that position then we are going to have a lot of agricultural land to be wasted.

While I am dealing with the subject of Agriculture, I am speaking now without at being authenticated by myself. But I understand that for years and years our Government has operated with laws on the books that ban the importation of mares from different countries. This was done anxiously in those countries who have the best and worth studies and try to keep some of the outbreak now and each a lecture on in previous sessions of this House. But if the Legislature at that time in their wisdom was fit for us to have such a law and to bring a man here and pay him a very good salary and appoint him as head of a Department then I feel that the decisions that are made by that man should not be countermanded by anybody. In the future, let's make it unmistakably clear today that we do not want to think that there is any favouritism connected with the Department of Agriculture. We want to think that it is run on an impartial basis as where everyone has their just chance, be it a legislative member, be it a proper on the street. So at the Cabinet - everyone is treated as one person.

I am very pleased to see that Government, this past year, has seen fit to buy the land on which to put an Experimental Farm. I am much more pleased to know that you have to come to the district of Manatee Bank in order to find the good land to do it with, but I am hoping that this farm will not be just a little isolated corner as it will be planned, I am hopeful that in the coming year we will see this entire thing put into production, and put into perspective to where the people of this country can get help, the people who do not have the means available, who do not have the expertise can go to this place, spend a couple of days may be working there and be lectured by the Agricultural Department as to the best methods to be used to cultivate the crops.

The fourteen districts of the Island have been known for years as the sugar areas - which cactus was raised. And I am hopeful that in the coming year, although I see no provision for it in the estimates, that the member responsible for this Department is going to work a similar miracle as Christ with the loaves and the fishes in that the Eastern districts will get a cattle dip.

Now, Mr.President, honourable Gentlemen and Lady, we come to page 12 - Town Planning Department. We are asking for $69.312 for this Department in 1975. 1974 we approved $50,353 to be spent but I find in the estimates that we have spent $68,352. This again, Mr.President, I consider to be a departure from the manner in which our Government revenue should be spent, but I imagine that the reason this additional expenditure was incurred was to take care of the destruction Flat. I hate to think that we have to spend that much money in order to put this country into the position in which it is today. I would remind Members of this House that at the present time there is a very popular saying around town and I will quote it for those who have not heard it - the construction workers are saying "When the belly aches for want of food, promise it the Development Plan". The pain goes away when you do that.

We must realize that our country is dependent on the continuing growth of the construction trade. And you look around town today and you tell me how much construction you are going on. Look around the country as I like to call the how much you have. Of course since this all on hire vocation.

Let's take a further look at the statistics that are available on this Department. Each we do we all find the continuing damage to the country that is being done. In 1974 the fees collected by this respective Department were $31,450. Estimates for 1975 was $40,000. but instead of collecting $31,000, Mr.President, we find that this Department was only able to collect $9,000. That is a decrease roughly of 300% - that alone should give the people in Executive Council an idea

MR. TAMIS MAJOOMDAR (CONGRESS): as to what is happening to the economy when the most honoured department in our Government leaves revenue at that amount percentage-wise in any year, then it is time to wonder what has caused it. It has not been caused just because of an error. It has not just been caused because of negligence in their work - it may have caused because of the road on which our Government is going down-hill.

1975 - From this portion of Department we hope to get ₹20,000 and I will say this that because we have listened to the experts, because we promised to the farmers, it will take us to 1980 to catch up with the 1975 figures from this portion of Department.

The Development Plan, Mr.President, has stagnated the entire country, brought prosperity to a belt. For instance, the most report as reported by the Third Official Member states that in our country we have only about 3400 acres of land which can be cultivated good. And, under that also they are considering probably 80,000 acres as horticulture. The Government, Mr.President, was given to consulting with the local people as to search out, and find out for themselves what they were doing. The only thing that I can say at this point, Mr.President, is that when the people developed and put forward to the world of this country the Development Plan, in my view it was like giving a two-year old kid a blank piece of paper and a box of crayons and telling to draw. He would come up with some thing. Because this,apparently , is what was done. We have heard that have been designated for certain things that they could never work out. We have planned for Kerala, the Gulf of Kutch zoned as horticulture. Have you ever seen maiden-plum or parsley grow over there grows nothing but cliff - what were these people thinking about? Did they think that everybody here are a complete idiots? That plan, Mr.President, would have been ideal for a Switzerland like the Galapagos. But not for an area like Inland Lagoon, which is fairly well developed, up-to-date on the map. I have travelled as much probably as any member of this House, have so many countries, and I am sure that this is a problem that is unheard in every country and I have seen places, Mr.President, that have not been as badly affected as this country. I have seen places that have grown in many respects, yet they are telling us at this time that the only salvation we have is to adopt that Development Plan. Well, then , in making the Members of this House, what are our perceptions as that way we strive to develop that country? Because things cannot that hurt us is, people throughout the world can every here, think its a good country, and it could never have happened if our forefathers had not been the kind of people they were. believe me, if any of you would take the time and check it our forefathers were like the old settling steps of long ago now, they were hells of wood but they acted like steel - These people did not bow down to every whim and fancy that came their way, they might have been wrong but they stood up for what they believed in, And these was only one way, to convince them otherwise and Mr.President, I am hopeful that something in my life-time I will see our people get that back-bone again.

Not merely 200 years this Island was Dominion - nobody paid any attention to it, We developed as the poor people of that time was fit to do. They lived in no satisfaction, a good groundwork for us to follow and I think that makes many of them their ashes would turn over in their graves if they knew what was happening in our country. They didn't have the capacity to fight. When they only had common sense and intelligence, but they built a country here that has been popular throughout the world - they built us a heritage, and by God we must stay with it.

This particular project, Mr.President, has been a very controversial subject ever since its invention in 1971. No one has accepted it wid. The belief that it was up and up all right, this multi-million thing was never be enjoyable locally - there are many countries today in the world that operate without such plans, many large cities that do. But as Just as a Parliament View and we are going to get

MR. JAMES [illegible] about the capital work for us and that is it. It is going to be passed through this House on the unfortunate vote and we will not have one thing to say about it but accept it, and I consider this bad, when a law with such magnitude to it can be put through as Legislation which we only have 12.07:00 or the Legislature votes in here country requirements. It is time for us to change. time that we think. This plan is a plan that will shape the destiny of this country for years to come. This is a plan, in my humble estimation that opposes the cause of individualism and I am saying to this House today that there is no place in our country for the ideas behind this plan. For hundreds of years our people have been like pigeons - they have travelled to every corner of the globe and they have made homes for themselves. They have been assimilated as a part of foreign communities - they have been accepted as foreign citizens in other countries and now, all of a sudden, we are going to get to the point where we believe that we do not need people any more. We are getting to the point where we are saying - "Fly over our island and drop your money down in a parachute but we don't want you". We have plenty of land space in Grand Bayou that can be developed and we must go towards that development - its the only solution this country has

Isolationism - take it where you take socialism and nationalism and communism - we don't want it here.

Originally in 1971 that plan was rejected by the people, but I am saying to the House, in 1975, as much as I hated the plan in 1971 it was more fair and equitable in respect to the rights shown to the individual land-owners than what is shown in the 1975 plan. We must remember that the Caymanian today has only one asset and its birth-right and that is land. We have today in our country people that you would look at and consider to be poor people. If you look just further into it and check you will find that these people have some land which on the current market can be quite valuable. Now what are we saying to these people? We are saying to these people your grandfathers left you this piece of land. It has been in your family for one hundred years - now you are old. We have no social security system for you so we will put you on poor relief and you get $11 a month, but the land is no more good to you, you can't sell it. That man, that was his social security - he was looking that for his working years - he was keeping that as sustenance for his family and all of a sudden it was given by a stroke of the pen. So anyone a value on it that would take it valueless.

I cannot believe that people would sit in this House and say that that is fair and equitable in any respect. What are we going to do with these people? What are we going to do in time? Are we going to provide them the social security system which will [illegible] into existence only be in the year 2000? And why die in 1980?

Mr. Speaker, that Development Plan must be changed - there must be many changes in that Development Plan before it must be accepted by this House and I am hoping that whenever that Plan comes back to this House that you in your judgement will see fit to forget the millionaire vote and let every Member vote his conscience. Right this is too fundamental to the people and it should be done. That way, Mr. President, at least they can go back to their electorate and had the chance of voting by conscience. If not, we will have to ask for a division at that time to see how they voted, but this is too important a subject, Mr. President, to have to deal with this on a division because it affects the country - it affects the people that way.

I have been accused of many things in my life-time - I have been accused of many things since I have been in this Legislature. I was the man that was going to put this country into ruin - I was the man against Independence. You know, like a shame when I sit and think about it how far some people will go to do things for political purposes, but now I have to bear for my own thing

MR. JAMES M.THOMPSON (Opposition): Come in this country than any other single man that sits in this Legislature and by God I worked for all of it - I richly invest it.

And I am saying that if the people of this Island should have the Development Plan thrust down their throat, as much as I would hate to see it happen again, Mr.President, I am prepared to tell the people of this country that the end of it is the other one, and soon and lead a demonstration right through this Island. One real one, Mr.President,right not as peaceful - the one in 1971, thank God, was peaceful, but we are headed for trouble, if the policy is not changed. And I am warning the Govern. I am warning the people of this country right now that you are facing it you do not change some of these policies.

We are talking about this Plan - we say the protected areas. I am still trying to figure what they mean by these protected areas. What are we protecting? We have a law that deals with that that it is no restrictions or decline the imagination. You can tell, the Planning Board can literally tell anyone what they must do and stop the development, but all they are going further than that - we are going to protect it further. And what are we protecting? Is it just a popular phrase that can be thrown as wheat? What are you protecting when you go on Public Place, Dr Black up in Rogers Wreck area and places like that - just what are you protecting? My God. Those people should have been run off the Island.

We see the Public Park Areas that will be declared now and in the future. If we are going to declare public park areas do it now, but most often something has been shrouded with bureaucracy and by a stroke of the pen some little pipsqueak up here can scribble a line on it and say "This is public park and you can't use it for anything else". This is ridiculous - where in the devil's world did this come from?

I do not know whether this is true or not, but I had a man in my office today who bought land in the Republic of Cayman Brac many years ago for $41,000. approximately 11 acres. The Plan I think now says about 7 acres of it cannot be used for anything else but a park and Government is not ready to acquire it and pay for it, so he's got his money back. That he can do something with, and he said "If you can get me $1,000 for it you've got it". Now, what kind of pictures does that present?.....No, I venture to think - because that's the thing I am fighting against could have brought it myself, and he had me. This is the thing that we do not want to happen in our country when Caymanians, whether they are local or foreigners, when they are treated in this respect. A man may invest his money in the hope and expectation that it will grow - he does not invest it to lose.

I was a delegate from this country to the Commonwealth Parliamentary Association meeting in Jamaica and it was the same thing I heard preached there - every country in the West Indies was cautious and preaching their orthodoxism and conditions and then on the other hand they turned around "For God's sake, help us". Then nobody is going to import his money philanthropically - he is investing it to look for a profit and he's not getting a profit when we do him this kind of thing.

Another aspect of the Plan is the high-speed road communication that is advocated from the Western districts into the Eastern districts. What do they want to do? Decrease the population of the Western districts? We have too much high - and road communication in this Island now - we don't need to increase it any more, because if this Board will remember my colleagues and myself have fought tremendously hard here in this House for the reduction of the speed limit, and we have been, as usual, made out to be fools, but whenever is advocating this bull dozer they are dealing with the Eastern Districts this time, Mr. George Town - you people down here might not be willing to stand up, but we will.

MR. DAVID HANCOCK (CONTINUED): We look at the Plan and we see that the second home trend in our country. The Barkers Beach area,which under the old plan was zoned for apartments, hotels, and so forth, now, it is zoned as a residential area. So you can see what this will do to the economy? Do you realize that - and maybe it might have left - do you realize the Cayman Government is losing? When you do such a thing as that? Seven mile beach has gotten to a point that is very high - investors are looking now for the thing that is next best to it that can be developed. Let's try to develop the country -Let's not try to segregate it any further.

We look at the Plan and we see only one entertainment area - that's part of the West Bay area? What was the rest of the people in the Te and - going to do? Everybody come to this particular town and buy land. I don't know who did this but they should be barred and prosecuted.

George Town Water Front - lets take a good look at that area. Term Cayman/Kimsoft is the South to the Lord's Cliff in the North. I would venture to say privately - one of the best valuable pieces of land that we have in our country is that particular area, but yet its used nothing to the people who own it. I am all for protecting tourism but my God don't tell me that I can't use my piece of land to build something on it for my own good just because I must leave it open to the tourists can see the sea? Look the manner of all around the Island and other areas they can see - here use that valuable land to develop this country with. Do you realize that every time a piece of land is sold the Government gets $750! right off in stamp duty? Do you realize how much revenue that water-front land would put into Government coffers if it was a saleable thing now?

I know I am going to be accused because I am in the real estate business that I say this, but I don't give a damned what I am accused of. I say that it were an injustice was done to now doing it to the people who own that land.

We go further - the Canal Shoreline between George Town and South Sound - land that used to sell one years ago for around two hundred and fifty dollars a foot, we put it now that its protected and I unfortunately a professional salesman. I am going to boast a bit - I have never seen the man in sales-work yet notwithstanding of how many degrees he has a 'd look down for him. I have sold everything from cemetery lots up and I have made a damned good living out of it. I know selling and I would say today by as well a piece of that land because what can I sell it - why can he'll I can what he can do with it. We are burning the people that own it - we are burning the country - we are shaming Government.

We move to the agricultural zones. Agriculture. When a piece of land is zoned as agriculture, its value is set on it that cannot be changed however any investor must figure what the return is going to be on that. Based on the natural society from agriculture and agriculture, particularly in Grand Cayman, is something that takes no money. So what value is that land going to have? Do you realize the amount of poor people in the eastern districts that had title here and could have sold it on the speculative market and today what's worth to them? It is just like if they had put their money into a piggy bank and the next day when they have it out to see and because it has gone the same way.

We have the Canal at Red Bay. That was a red herring - that was dropped there because it was so outlandish that they figured everybody would make a big to-do about it, just create everything around that canal and "poo", sight of everything else - everything else would go through and they'd say "Fine, we gave you a good fight we took out the canal". That's the only God's reason it was put there, because it was not practical any other way. It's a shame when you think you still try to hood-wink the people in this respect. The only good thing it might have been if you do it, there is a reason for having that in mind.

Mr. JAMES M.SLATER (Northumbria): You have an industrial area that you have created in that Plan. One industrial area, but it's a large one. I wonder who gained by that? You know I hope I will never stand in this Assembly long enough that I should condone inviting myself from some nation of this Assembly, and I am saying, Mr. Speaker, that this is indicative of what was done when the industrial area was created.

The proposed Manpower areas: these should have been declined as marching plans at least, until it is public in the sense that we are going to develop it, we are going to put it into a National Trust for the people's interest - we are going to develop it somewhere in the future but you will have your little stake into it - give Government 11% if you want to. The people of this Island would have been agreeable to it, but they cannot agree to you taking what they believe is rightfully theirs and had always believed is rightfully theirs.

We see in this that the natural resources group will have the right to add to the zoning plan after it becomes final. What is this Natural Resources? We are going to come in here and make a law that affects generations to come and we are going to allow some little pitter boy to change anything on that plan that we have all without it coming back to this Assembly. Do you think that anybody in their rightful minds would agree to this? We have ideas of this - we have preached against the Republicans and the Socialist legislation, because we see what happens to it. It happened in this Assembly this past week. When, by the stroke of a pen because the power is given, we find the revenue increased by probably better than half a million dollars without any more coming from the House.

A statement was made that no appreciable foreign investment and development would take place in these Islands until there is a reasonable and accepted development plan. Well, we have had no development - you look around this Island today and see how it is developed and I don't think there is any other place in the world that would boast of better development than we have. So were these people foolish - were they people crazy? No - they invested here and they built what we see today because they thought the country had a future.

I can tell you of many instances where foreigners have invested millions of dollars in this country - some of them hundreds of thousands of dollars and today they are saying I have made my last trip to your country, sell my land for whatever you can get for it, no longer do you get an inch while I had this it. Is this the thing that is creating faith? No, it isn't. When we get well-known foreign investors like I suppose to borrow who told me those things I feel disgraced to think that anyone in here that such faith in our country.

Mr.President, on this particular Department, I will wind up by saying that never in God's world could I agree to voting one penny for it.

Hand Maids - Health Services; I must admit to the fact that I have been a little lax in my duty as I have not recently visited the hospital to see what's going on, but I do think it is time for the workers on this side of the House to get together and pay a visit to the Departments again like we did three years ago. It does seem like the hospital must be doing a fairly decent job now because, to be frank, I am not hearing the amount of criticism I used to hear. I do not know whether the Member responsible for this will take it as a knock on himself as well, but at least I am passing it along. I understand that the improvements will shortly be completed and I hope that it will serve the people efficiently; but I have a few other things to comment on in regards to this Department.

I am of the opinion that the Child Welfare Officer, regardless of who he may be, regardless of how much I may disagree with him, should be on a par wage-wise, with the Nurses, the Accountant General and the Financial Secretary. Now I am not belittling those three posts

MR. JAMES A. FOLEY (CONTINUING): But I feel that the man who is directly responsible for the health of this country and fills that position should be a man that we can admire and respect and a man who should be paid for it. We cannot get the type of people in any job in this country, whether we pay them the type of wages that they should have. So I should very much like to see that changed.

I would have the same comment to make on the dental and medical officers. I feel that they deserve to be in the same bracket as the Chief Surveyor, the Director of Fisheries and so forth. Now I say this, Mr.Speaker, because it seems ridiculous to me to think that a man would go through college for about seven years, another year or internship - costing a lot of money, by the way, because a doctor or a dentist and that case here to this Island and a man who said qualify probably in two years as a Chief Surveyor, is drawing much more money than him. I do not think it is fair. And I think that could be one of the answers why we get the kind of medical service that we do, because we pay everybody else a good salary and these officers who have to devote nearly twenty-four hours a day patiently to their duty, are not paid any better money. I am not trying to express their particular cases - we only saying we see that we get improvements in the medical service, and I believe the way to get improvements is to pay a real fine for the work.

In 1974 we budgeted in this House, hoping to receive $170,000 in fees from the hospital, but we only received about $45,000. In 1974 we budgeted $42,000, now in 1975 we expect to receive $70,000. Now in my own way of calculating figures, disclaiming that I do not have the necessary degrees to make me an expert, I calculate this as an roughly an increase of about 240%. Now, Mr.President, again I will say a person should pay for what they get, but this is a tremendous increase and I would like to know just how we are proceeding to go in it. May be it will take years to see it in operation, but when you hit me with figures like that showing that type of increase it is like hitting me with a twelve hundred per cent increase that we put in side of the law in this Session. But I know in previous years that a number about - we are expecting to have an $800 increase in the money collected - but we are only budgeting for a $70 thousand increase. Now first is going up all round the world, we continue by this that the occasion - we continually talk about other aspects of economics - we it stands, with inflation and everything else you still going to get the same amount of fees too. Our people are getting sick yeh . we are going to get 5400 more people in town? How are we going to get this money? Now if you all going to feel these recommendations to the increase, but.

In 1975 the approved budget for the hospital or for the Public Services, salary, was $616,745. We are asking this coming year for $961,700 and this is the Department that I give my full support to. I was only hoping that the figures would have been higher because of Government importance to any country is the health of the people of that country. We have neglected this for many, many years and it is like now that we pay the slight attention to it which is worth knowing, so I am all for that increase. But, Mr.President, I would like, sometime during this session to have the final cost of the completed hospital project. I don't think any of us on this side of the House at this time knows what that project has cost. Many of my chool in construction of the hospital and what not going over. Now that we have access to it, we would like to know, but, Mr.President, further than that I would like to see public in this House where everyone of the various projects can have a chance to see it, the contract under which this Hospital was built, or the hospital improvements were done.

- Now I like to know more how we arrived the long delay in the completion. It has been a long time, the hospital still not open. But we in that contract have a penalty clause, if we did not have it why did we not have it? If we have it why was not something

MR. JAMES A.BOOCK: [illegible] Is it time that we do something about these things - don't let everybody get out of the room without putting your hand in his pocket. Ask for the good of the people. I am hoping that the biased feelings that have existed in the past in the medical profession in this Island will be buried.

I am hopeful that once this new hospital addition is completed that every doctor who is licenced locally will be able to admit his patients and/or be to treat them in our establishment. This is a serious question - I would not say throughout the world,because I know some countries that also have some limited laws but in the majority of the areas of the world this is done and why, in a little country, can some of this, with only a few thousand people not we have to have such biased rule - why restricting that because a doctor is not a Government doctor, he/she cannot bring his patients to the hospital to be treated. This is not only hurting the doctor in one sense, it is hurting the patients because throughout the world you will [illegible] a person in ill health, unless it is a serious disease, there's twenty per cent medication and 80 per cent of the belief you have in your mind that brings you back to your health. So why can't we get away from strangers - why do we have to make a system - if these doctors are good enough and smart enough to be licensed under our system then they should be able to admit their patients to the hospital and I am hoping you are going to change that.

[illegible] to mind is - Education Research. I have not very little [illegible] than praise for this Department. Believe me, if they do something wrong, I'll also say so, but I hope that the good they are doing will continue but I have [illegible] to say about the Natural Resources Study that is going to cost us $826,000 in 1976. I am wondering just what are we getting from this natural resources study? I have yet to see a report tabled in this House of some what they are doing, or show us what good it is going for the country. Once this goes over Tax this year we will probably have spent in the neighbourhood of a quarter of a million dollars for this - what can we conduct all we know [illegible] another military attack or the Hospital compound which was crowded enough as it was. This is why I stand in opposition. When I see more personnel, classifications and unification - it appears so, let us get back to our old way of doing those chores are calling us for and..

MR.SPEAKER: If the Honourable Member is prepared for an interruption, we might suspend for fifteen minutes.

MR. JAMES A.BOOCK: Thank you, Sir.

At 3.57 p.m. the House was suspended

THE HOUSE RESUMED AT 3.59 P.M.

ADJOURNMENT: Proceedings continued.

MR. JAMES H. BUCHANAN (CONTINUING): Mr.President,at this stage of the debate we come to Item 17 - the Education Department. 1975 Budget we approved $1,332,176 for expenditure. We instead of spending that amount we spent $1,714,000. I am not against that because I look on that as I look on the Health Department, that it is so important for our people that we should spend every penny that we can possibly appropriate towards this.

In 1976 we are proposing to spend $1,XXX,XXX and I can give the Minister responsible for this my assurance - he has my full support. I only hope that we will continue to get plenty of good results. Things at the school I have criticised it in the past but again I have not witnessed the place lately but conditions must be improving. Now who we give this house to I do not know but I am passing it as it is written.

The public at large seems to be much more interested with the educational system than what they were in the past. I have heard a few grigne which I would like sometime during the debate to have some clarification on and that is why some of the staff were dismissed and not given a chance to qualify. I don't know exactly what it means by qualifying but whatever it was I would envisage something like in the United States where they have their equality of staff from time to time and I am usually given any two years to go into a higher degree or something like that, which they do on sabbatical study. But I hope we will get some clarification.

I would like to see more attention given to the play-grounds, for instance, in Tudor Vale and Savannah, because once we can keep the kids busy we will keep idle hands out of mischief I will agree with the members of this House that when I grew up and went to school in it is not much more than a play-ground. If we happened to see a ball most of us didn't even know what it was. But those days have changed, thank God, so I hope that we will be spending some money on this and we will be watching this closely for Belvidere Town and Savannah.

Now, Mr.President, we have established a Community College,but we have not been told what this Community College is. We do not know what will be taught there, what particular fields of study. We do not know exactly what it encompasses. I think it would be much more correct to refer to it as an adult education programme rather than a Community College. I think that this time it is probably a bit premature and misleading to call it a College. I do not know what is going wrong, but I hope that when the member responsible for this takes the floor, as I am sure he will, that he will be dealing with it and he will be telling us exactly what this college is going to mean to the future of this country.

I am very pleased to see that we have increased the subvention for the training of teachers from $9,000 in 1975 to $15,XXX in 1976. This is very important. We need qualified teachers - we need teachers that understand our problems - we need teachers that can understand the children and, in my humble opinion, the best way to obtain that is to qualify some of our own local people who understand these problems.

I hope that this adult education programme will meet with tremendous success, because there are many people like myself, I am sure, that could gain a lot from it. We did not have the chance to qualify in the past and may be if we can find the time now we could qualify in something. I would like to be known, before I die, as an expert in some field.

MR. JAMES M.BROWN (Continued) I would like to know more information concerning the 31 students that are abroad, as to where they are qualifying in, and what they will be qualified. I think that this is quite an increase over the last figure that were given to us, and I am hoping that these figures can continue to increase.

As it is proven, we owe to Mall 16 - Public Works Department. I am hopeful that this Department will be able to operate on the amount that has been budgeted for it, and I am almost certain as I stand here that somehow in the very near future, we will be called into session again for a supplementary budget. This is a misleading amount - it is only put there to balance the budget. Everyone knows that the Public Works Department cannot carry on the work for the next year for the small amount of money that has been budgeted for it.

While I am on this subject I would like it to be unmistakably clear that we consider no Government contract sacred. We are in the minority but that is what makes a Government is the majority and the minority. That is why we have a democratic process instead of a suppressive system every year or so here the Ayes. I'd like to know from someone in this Assembly as can these two and I think that even the people on the other side of the House also would like to know that. What I wish to make it clear that I consider that not even London has the power to deny us the constitutional rights which have been given to us under an implied wide powers. I stand in the belief that once this Government enters a contract regardless of what that contract is for that that contract should be tabled in this House. This is the Constitution for it - if need be we should have a good sub installed here, that these contracts can be kept, but anything that affects the operations of this country in the acquisition that has ever happening in the past should be public to the legislative members. You must remember that we operate under a peculiar system where we have 12 elected members and we have three official members. The three official members with all due respect to them, have been placed there in the trust of Government and Government is the people. That means that on that side of the House we only have four members that are elected and on this side of the House although we have several nominated, there are eight members that are still elected by the people. This constitutes the majority, as far as the electorate is concerned and as all times Government should be more than happy to let us see the contracts. I will stand on that particular point until it is done or until I never hold House, but never will I change my mind on this point.

While I am on that subject I am hoping that during this session of the Legislature, the Member responsible for Communications and Works will see fit to table in this House the franchise agreement under which Caribbean Utilities operate. We have asked for it - we have been told it is none of our business - I do not accept that as a valid question. I am like the sailor who continually asks. I will continue to try to see that the democratic process is duly upheld in this country and I will never be contented until the day that I am able to see that franchise laid on that table over there, although I may not even walk up there to take a look at it.

We also have been told Caribbean Utilities was exempt from paying a trade licence because they pay us an annual fee. Sometime during this sitting I would like to know what that annual fee is. If it is even $1.00, don't be ashamed to let us know but tell us. Either that or we add their name to the list and they will get a trade licence, but no longer can we tolerate it to the point where they are able to make such money as they have been making in the past.

Mr. Ingus H.Brooks (Continuing) We notice in the budget $150,000 for road enforcement. I would have no most members of this Assembly will agree, that in the future this will be spent more wisely that has been spent in the past. I am a taxi that is really late for everything - I was late for the Assembly this morning because in driving in the San Ray area there is an obstacle course there that a Le Mans Ford Motor Company would pay this Government millions of dollars if they could try out their cars on it - their new models. The only thing worse than that are the roads in my own sub-division.

The reason I am speaking on this, Mr.President, is because there is an old proverb that says "if one must enjoy the fruit the price must be paid ", Now we are going to enjoy the fruit according to the Member responsible for this subject - he has assured us we are going to have good roads. With the new assurance we have increased the taxes on motor vehicles, we have increased everything in regards to motor cars, so now that the people are paying the taxes I hope that they will be able to enjoy the fruit.

I have nineteen leading questions that I must interject at this time to the Member responsible for this Department and I do not know whether he will be able to get a copy of the Hansard in time to give us the answers, but I am hoping that he will jot his notes and write them as I speak them.

Mr. Speaker: Perhaps the Honourable Member might let him have a copy after adjourning this forenoon.

Mr. Ingus H.Brooks: I think it would be much better - he might not be able to read my handwriting.

My number one question is - what was the contract cost if the Minister strongs shed at the moment? What was the final cost of this and what is the square footage? This is key relevant now - we are dealing with a budget and a budget means the money that is being spent and the money that was spent. This question may appear but the first otherwise but I feel it can tie it today. If the reports I have heard are correct, the only thing that went proportionately over than that was the Administration building.

What was the tier for the hot mix plant and what discounts did we get. That was number 2 question.

Number 3 - what is the final construction cost of the administration building.

Number 4 - why was it not completed on schedule. Now, Mr.Speaker, I must stop for a minute and speak a little on that particular question. Every contract that our Government has entered into has come up - or more money than is should have cost us, according to the original estimates. Never is a contract completed on time - there's always an unconscionably long delay. Now it is time for us to know why this happened and why the people responsible are not penalized.

Number 5 - what is the final cost of the facilities installed and has it all arrived.

Number 6 - is there a penalty clause in the contract for late completion.

Number 7 - when the contract was written about eighteen months ago what was the average wage per hour paid to carpenters, masons, electricians and plumbers.

Number 8 - what was the additional cost of labour and material on this contract that our Government had to pay.

Number 9 - will Government table in this Assembly the contract for the building.

Dr. MARIA M.FOGGO (COMMITTEE) Number 11 - before allowing another major increase for Caribbean Utilities Hall Government bring it to the Assembly to vote on. This is a point, Mr.President, I am prepared to stand quite firm on because it has been repeated and it was told in this House that Government did not agree with the last rate structure which was put into force by this particular company and in this particular case, Mr.President, we are dealing with a monopoly - we are dealing with a vital service which needs it, but when one is having to pay so dearly for it. There is no country in the world today that is paying - I don't think, even a third of the rates that we are paying. We must look what is wrong. If it is the fault of this Franchise Agreement then let it be tabled, let it become public. Let everyone know the reason for it.

Number 11 - table in the Assembly the contract as it now stands.

Number 12 - what is the daily charge to the contractor for non-fulfilment of the contract on time.

I have to digress a minute here, Mr.President because I happen to know that Government was asking in a legal contract a penalty of $400 a day if case the contract was not complied with within a very short time. I am asking why the long delay in the harbour project and whether this is being implemented in this case. If it is, we will have saved ourselves a lot of money, if not, we have lost a lot of money. But what is good for the goose is good for the gander. And I am asking that this Government come back to the Assembly and tell us whether the delay is being paid for by the respective company involved or whether that was only put in to bind someone else - you don't bind me very easily.

Number 13 - was there a certain amount of excavation not covered in the contract which Government would do, as was the contractor to do all of it. That question, Mr.President, is placed in regards to the area that had to be removed. I would like to know whether in the original contract with McAlpine whether McAlpine was supposed to pay for that as a part of the contract price or whether this Government was to do it in addition.

Mr.President, this has caused some confusion in the public mind and I think we are entitled to know just what was the position on that.

Number 14 - why could dredging for about a month be allowed to a foreign contractor when it could not be done a day for a local contractor. I see notices in the paper where for certain days the public was advised by McAlpine that blasting would be taking place. The protection and the vacuum thereof were so ensured a few months before that even a couple of blasts could not be placed. It would have upset the whole ecological system of this island for these couple of blasts to have been done. It would have shattered the entire waterfront - one can know what else it would have done, but all of a sudden those things are washed away, the plans become clear and somebody else can do as much as they wish. There are two things that we should question. If I must pay the penalty everyone else must also do the same.

Number 15 - What was the price paid to the U.S. contractor for the removal of the coral ledge.

Number 16 - what is the additional amount to McAlpine for the trench by the Harbour. We would also like to know whether this trenching system in the harbour is a part of the basic contract or whether it was not. If it was not, then why are they getting paid for it. I am not saying they are getting paid - I do not know - I am like a blind man stumbling along in the wilderness because we are never told anything but we want to know - we are standing on our rights as elected members of this House and we must be told what is happening. We will not vote like any rubber stamp; we know what is happening.

MR. CARTER N.BROOKS (CONTINUED) I hope that the issues I hear is not correct in regards to the fine piece of machinery that probably came over with Episcopal Columbus that is on the harbour and that Government is supposed to be buying at such a high price - I hope that's just rumour.

Number 14 - can you make that the consultants' reports are necessary and can be relied on. I know at this point, Mr President I may be injecting something in which I might be out of order and I stand subject to your ruling, but I am of the opinion that the reports that we are receiving from the experts or the consultants would are not to the best benefit of our country. I say that without fear of contradiction. I believe, once more we are being led like cattle to the slaughter.

Number 15 - will Hospitals receive all the money for the French ones or does everyone else have a vested interest.

You know I have posed quite a few questions I think they are all valid. The point of posing them and the reason for this is this - we have embarked on a venture - we might not all have agreed that the port at which it took was right or that the location was right, but the majority prevailed, when the majority prevailed then it should be backed by also the minority, so we have embarked on the venture yesterday. It is going to cost a lot of money that money has to come from revenue which everyone in this island pays and we should see that every penny of that is utilised and spent to the best advantage.

Page 15, Tourism. We live today I see that the Member has the car without the use - he blames he say, so I'm glad of that) on the position that has a false income, and false values. I say that because today in our community an experience in all strata of the community life, particularly the younger generation, a breakdown of values, almost mainly, I would say, from the effects of drugs and alcoholism. We cannot blame this entirely on the tourist business - for God's sake, I hope no one misconstrues it that I mean that. I think that this can be viewed and distributed to the true fact that our young people have lost their perspective and the salem determination which our forefathers possessed. They have lost that determination to go out and conquer the world - like the old saying "no, what young man" is no longer a challenge - then. It is disheartening when this happens and tourism has, as once known, contributed to it, but it goes much deeper than that. So I do not wish the Member to think that my remarks in this manner are attributed to the Department.

The main thing today that is said in some circles about the Cayman Islands is that we lead the world in the per capita consumption of alcohol - it is a terrible thing. Tourism is going to be asking for a large vote - $514,223, but in my opinion we should support every penny of it because we have more and more tourists in order to have a buoyant economy. I only hope that every penny of this will be spent wisely and to obtain the best results for our Islands. I do have some Questions in regards to the expenditure of this vote and I will be asking the Member for information and I am leaving them when he gets up to speak he will bring the answers to me.

Advertising - we are budgeting for $125,000 - that is a large amount of money and I hope that it is being channeled to the right sector of the community. We are not interested with fun-statistics - quantity does not bring quality. By quality I mean people that can benefit our Island in an all-around manner. I personally do not like to see us spending our hard-earned money and bringing nigrics of the Island. I wish there was some way we could keep them off.

The Miami Office is budgeted for expenses of $30,000 and the Chicago office for $21,000. I would like to see a further breakdown in these figures and not the entire thing lumped as one. There must be a reason for doing so, I am sure, but I think

MR. DAVID McKENZIE (CONTINUING) ...that we should know why.

While I am dealing with this particular Member I am hopeful that by my giving some time to investigating condominium projects that come before the Board for waiver of duty in the future. It is my opinion those places should not receive the waiver of duty. Those are put together to make profit - those are sold by whoever develops them and then the most can make an additional profit. So I am not in favour of any waiver of duty in those particular projects and I am hoping that if it has been given by Ministers known and by Local Boards Coordinators that something will be done to off-set this. Because we make it quite clearly that in the future there shall never be any preferential treatment and everyone must pay.

Dealing with statistics on this Department we find that in 1974 Tourism Accommodation Tax provided $176,000. 1975 $190,000, 1976 we are hoping to receive $180,000. But in each of these years it is obvious that we have had a fairly good increase in tourism over the previous years and if we have, I wonder why this figure is not increasing.

The final thing on this particular subject, is that a Local paper shows that hotel occupancy for the past year has been up 17 per cent, but the employment in the hotels has down 14 per cent. I do not know whether these statistics are correct but if it is I hope that the Member would check it out because if we have had an upward shift in occupancy we should not have a down-ward-curve in respect of employment, so I am hoping that somehow that wishes to get into the hotel trade or an employee will be given the opportunity to do so.

We turn to Head 17 - Broadcasting. We've had a few questions tabled on that. I would reiterate the remark that I made in the House before - is that in my opinion the radio must be a branch of Government to the people and not a political tool. I say this because I was in favour of private enterprise establishing the radio station - many be one of these days I will eat those words I would be sorry, but I feel I am private enterprise should be encouraged in every sector of community life and the radio is a part of community life. I am afraid that the radio in the hands of Government could be used as a Government to political servers.

I am of the opinion that since we have created a bureaucracy - I have no personal axe to grind but I think it is unfair to pay the Director of Broadcasting a higher wage than we do our Chief Veterinary Officer.

We have budgeted for an expenditure in this Department of $1,017,114 and we have a revenue anticipated of $145,000. I would like to know whether we are figuring on that this fiscal period, local advertising. I look to see where we are going to get an income of $135,000 from the radio station in 1975. I think that we have created a burden on the tax-payer.

We have, Mr.Speaker, in the establishment of the National Parents or Legal Services, the aims of this study were so pure and good that I think everyone of us supported it. But I am beginning to wonder why - what can we accomplish by? I think it is a shame that more hasn't been done than what has been done when our country and the people need this so much. This particular Department, Mr.Speaker, seems to be floundering like a rudderless ship on a gale, because Government certainly does not possess the navigational abilities. This called for a strong character - this call for someone who could sell the people on an ideal and who could have promoted this - who could have gotten the people to put their full support into these projects, instead of that, it is my humble conviction that we are getting nothing. All we

MR. JOYCE KILMURRAY (CONTINUING) have done is to move to another bureaucracy. I think this Government started out with about two employees and we I do not remember the estimates correctly I think we will probably have about eight this coming year. This is what I was hoping in this morning also. I would think we should a year as a Secretary and that the next week we should have more posts and it went in the Legislative Department.

I am afraid of these things because to me the Caribbean Airlines was the report of an expert. It was one of the few experts that I probably agreed with, but I think if ever a person came in our country and had the gut right on the head it was the Americans, I think they have an everything of our country, which would have done a lot for our people, and I like many other people, I think, are concerned about happenings from this particular Country, but unfortunately it doesn't seem like such is happening. Now that we got this opportunity back on its feet, why don't we have a revival if we even have to hire a minister or the Island to do it and sell this to the people? But the people got their full support behind this and its not going to be done under the present set-up.

My question was made to the Budget Speech about Cayman Airlines and I wonder why I am very gutted to know that we have our own airline as well as I am proud of the many other things that our Government has accomplished, but it we are going to be loose with a shoe-fly this year. Let us know how.

I've heard that flights have been cancelled and the bank-ruptcy has been very low. If this is correct we should be faced with quite a shortfall, I am hoping it is incorrect.

Mr.President, would you like me to go on for another 15 or 20 min now or would you like me to wait tomorrow?

MR.PRESIDENT: I think, go ahead and conclude your speech.

MR. CARL M.ROBERTS. Now I have come to the crux of my criticism. I am going to direct my remarks now. I am going to show you that the opposition can not only criticise but there is an office when constructive ideas, and I am going to say that we are quite willing to give the Government credit all the credit for them. If they will only put a few of them into effect.

My colleague and I may never have espoused the cause that a Man Power Office should be created by our Government which would advise our locals abroad on return and this would also help govern the work permits. How this Man Power Office that I envisage could put a lid on importing social conditions in our country - I'm sure it go a long way in finding work of our qualified people who are abroad - who,was doing them to come back to their respective own work. The only way we can build a country is by having people and people who are willing to put their shoulders to the wheel, people who are willing to give of their time and not just their money. I hope that during the coming year consideration will be given to getting this up and not like in the manner that we tried to do similar one I think where we hired - few construction workers as being available for work. Its gone deeper than that.

Under 2 - proper laws to cover the inheritance and rights of illegitimate children. Again, my colleague and myself brought this to the House on several occasions and we are probably going to be told that we are telling the people go out and have illegitimate children - I am not telling them that but I am saying that once the act has been committed, once the fact has been found that it should be promptly and we have not protected them under

MR. JAMES KILFEDDER (Sunderland) said that it created a lot of social ill-will - it created a lot of trouble for the community, it then created an expenditure for Government in so many ways. That I think that issue ought to be put exactly where it should be.

Number 3 - again, my colleague and myself have brought this to the floor of the House, it has been defeated and now we are asking you to bring it back so we can fight it or may be even support it. But we do need a change in the Commonwealth Protection Law to allow some Commonwealth citizens to come into this country freely without having to go through all the formalities and difficulties that other people have to go through. There is no justifiable reason - in my opinion, why this should not be allowed. Why should they be kept from a person just because they were unfortunate enough to have been born a Canadian instead of a Kenyan. I think it is fortunate we have the families - I love them all. But we've had cases, Mr.President, where a Commonwealth female could not get a work permit although her husband had got a lot of employment in the country and there was nothing against the man's character or anything else but we were - there we have held them apart like in one country and she in another and may be the child in the air in between. This is not good enough. What are we trying? We are knocking up a home when we do this kind of thing and I am saying that it must be changed - it must on an equal basis, regardless of what British law they have that covers it.

Number 4 - Grant Commonwealth status to all who qualify except that standing to the quota of 10 a year. I say this, Mr.President, because I feel that if a person comes into this country and spends five years in this country and has been a worthy citizen for five years, and the law says he is entitled to it we should grant it to him. We should not keep him down regardless of what personality he is if he qualifies in every respect. When we put a quota on it a year or so we are putting ourselves up in a position where we begin that man on a shoestring or a ribbon, whatever it may be. I begin all my life telling you to quit the country be foreigners - that is not what I am saying because in my opinion a person who can live amongst us for five years is entitled to Commonwealth status, because we will never build a country with just the few people we have now. We must realise that we are in a difficult country and it is going to take more and more people to build this country and I say here we give them the rights which we were lucky enough to be born with.

Number 5 - change the Merchant Laws in the employment of foreign ships. This again has been brought to the forum by my colleague and myself and was very ably defended. Australia last year earned fifty-five million dollars from ships - Panama earned seventeen million and so on. If we were to bring this in I cannot tell you how much we would earn, but I am sure it would be a minimum of five million dollars a year, and this would go a long way to paying our capital debts and balancing our budget, perhaps by making taxes off some of the items we have. Today it is like a plumber, he is out there waiting for me - why don't we grab it or will we wait until some other country does it and then does it no effect for us?

Number 6 - the setting up of a Central Bank system - you may differ with the name of Central Bank - we may name it well it anything else but it is time we changed our laws to allow the banks have the protection that they need but also the country has the protection that it needs. We must give a ready supply of money - as most find ourselves in mortgage - the country cannot build an immediate short-term money. The only way that I see this can be done is by following the motion that my colleagues and myself brought to the House sometime ago. I would like to have the time to speak - there go into it to see that the Members on the other side can understand and accept it. But, time is precious here, I will soon

SENATOR ALFONSE [UNINTELLIGIBLE] on entering Rome. I know that the Members on the other side will find that I could go on for another day, but unfortunately I can't.

Number 7 - create a Grand Commander [illegible] Maritime Academy and License Board. That is correct - one would have to go with the other with the Maritime Law and once we get this up we could fly in... on entering a lot of people from abroad who would come here to visit for a few days - these would be tourists they would be classed as tourists - I know that's why I will have the support of the Minister of Tourism on this particular point. These people will come here to quickly acclimatize than go to New York - it will help other people who have to go to New York - these entertainers for start it will... to follow the sea for a means of livelihood. When they go to New York it takes about six weeks' saving - the minimum to be spent is about twelve hundred dollars so if we were to figure that out we would find that it is [illegible] quality in a year we would be adding a lot of money into the local economy. Besides that the prestige - and we like prestige - that this country would get. There is no reason we couldn't use it up We look for ahead in advance - these are terms of revenue - these are things that would make the economy function properly.

Number 9 - enforce and uplift our drugs and liquor laws. I came earlier and [illegible] on this in the past, but it is [illegible] hundred years in gaol to even remotely understand that he should not deal in traffic in ganja, then by all means let's put it on the statute books. If it was a liquor establishment must close at 12 then it must close at 12, but these laws must be up-dated, Mr. Speaker, they must be enforced.

Number 5 - consideration of the Television station to go along with the radio station. There is no reason why we we have entered the twenty-first century that the people of this Island should be denied television. I, for one, do not care for it but I would say that the people who would welcome it. We would have educational channels which would help the community college to get [illegible] their whole education programme. We could have a lot of entertainment for the family and, and I don't think that any other business would lose revenue from revenue we would have a television.

Number 10 workmen's Compensation Relief Law. I know that this year we have budgeted a fifty per cent increase which I got on my knees and thanked God for. but $10 a month - what can a family do with it? So that it is time that we put together a law in this House that is fair and equitable and that will give the poor people of this country a chance to live as decent people. Remember the Bible said to "the poor you will have with you always."

Number 11 - A Social Security system.

I really wish I had the time to come more in depth into this but my time is limited, another time I will bring it back but it is time that we gave due consideration to this and I am not referring to some Medical Health Scheme again. I am talking about a proper Social Security system which modified after the North American system or the Scandinavian system, but a system that can help our people - a system that can help Government by having money available so it can be used as it is in other countries. We have these things now but a large part of money you we are not doing a thing about it other than borrowing money and putting on taxes when we have these things sitting out there. See us in a more original a basis than what we are doing now.

Number 12 - The Prison system. I feel strongly that we should not run Prison Law and create a prison reform system - I wish I had time to go into that one again - but I am sure that by this time Mr. Hamilton on the other side have grown the gist of what I am getting at and that something in the very near future they will be projecting this Prison with a law on this basis. Remember

MR. JAMES H.MCPHEE (CONSTITUENCY): It may be that we are going to continue to follow the English system of the sixteen hundreds when they transported their criminals to Australia and New Zealand and may be ... the Cayman Islands now.

Number 14 - this one, Mr.President, is an administrative thing but I hope that in your vision you will see fit to impose the onus and that is to open all Board meetings to the public. I mean the Board meetings such as the Immigration Promotion, the Planning Board and so forth. It is ridiculous for a man to be accused and not be able to hear his answers. This system can only cause trouble now the future and before we go into the 21st century, let's try to do something about it today.

Number 15 - put the dollar on an equal exchange rate with the U.S.dollar. This is very important and I know that that one will go on Government's priority list to be done in the very near future.

Mr.President, I would like to go on some more but I know that I have taken over on the debate for today and that you will be closing time I guess. If not I would be prepared to go on until about 6. I do not want the Government Members to follow me I know, so I am hoping that you will close off at five o'clock.

And I would like to close by saying that a Jewish Philosopher said years ago: "That dressed in the lion's skin the ass spread terror far and wide". Now, on behalf of my colleagues and myself, we are equally prepared to be considered that ass, but I believe that we are capable of putting the injustices back in your hands.

Thank you, Sir.

ADJOURNMENT

HON.T.V.MOTTLEY: Mr.President and Honourable Members, I beg to move that the House stand adjourned until 10 o'clock tomorrow morning.

HON. G.R.HAMILTON: I beg to second that motion.

MR.SPEAKER: I shall put the question. Those in favour please say aye.

MEMBERS: AYE.

MR.SPEAKER: Those against?..... The ayes have it and the House stands adjourned until 10 o'clock tomorrow morning.

AT 5.00 P.M. THE HOUSE STOOD ADJOURNED UNTIL THE 21st NOVEMBER,1975 AT 10 a.m.

M I N U T E S

FRIDAY, 21st November,1975

PRESENT:

HIS EXCELLENCY CARL JOHNSTON,MR. THOMAS MICHAEL, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATLER, CMG, JP	FIRST OFFICIAL MEMBER
HON. S. B. MACMILLAN, OBE, QC	SECOND OFFICIAL MEMBER
HON. V.G.JOHNSON, OBE	THIRD OFFICIAL MEMBER
HON.A.D.SMITH,J.P.	Second Electoral District, George Town (Member for Works, Communications and Public Transport).
HON.B.G.EBANKS	First Electoral District, West Bay (Member for Education, Health, Social Services and Labour)
HON.W.W.CONOLLY, CMG,JP	Third Electoral District, East End (Member for Tourism, Lands and Natural Resources, MACC, Agriculture, and Surveys).
HON. TREVOR FOSTER	Third Electoral District, Cayman Brac (Member for Co-ordination and Information)

ELECTED MEMBERS

MR. T.M.FARRINGTON, OBE JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. JEFFERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE H.HYDOCK	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAUDE HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CHARLOCK EBANKS	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. W. A. REID	ILL

ORDER OF THE DAY

FRIDAY

21st NOVEMBER, 1975

1. CONTINUATION OF DEBATE ON FINANCIAL

STATEMENT.

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FRIDAY, 21st NOVEMBER, 1975
10 a.m.

MR. PRESIDENT: Please be seated.

Proceedings were resumed - continue the debate on the Second Reading of the Appropriation Bill.

DEBATE ON SECOND READING OF THE APPROPRIATION BILL, 1976

MR. T.W. FARRINGTON: Mr. President I'm sorry I had to leave yesterday afternoon before the Member got through, but it was a good thing I did leave when I did, because I was really feeling sick, I'm not feeling so much better this morning. But the fact is that I'm here and I've got to say what little piece I've got to say now. I noticed that the Members from other side of the House are holding back, well I'm not going to hold back to that extent, but any way as I say I'm very glad to be able to make my little contribution.

First of all I'd like to congratulate the Third Official Member on the Speech which he prepared which I think was really good. I can't try too much criticising this morning, but perhaps the only thing that I would say by way of criticism, so far as the Speech is concerned is that it takes a courageous man to prepare a Budget that could leave us with nothing at the end of '76, and to be frank with you to be a million dollars in the red. If I'm right perhaps that's it, it takes courage, I'm afraid I can't share his optimism, but at the same time I do hope and pray that he might be right.

I think in the question time yesterday the Member was asked what about this boat which had been in the 1974 I think and '75 Budget, and of course the answer was that there're so many projects undertaken during 1975 that it wasn't possible to have this boat put on. In spite of the fact that we have recognised a long time ago that we needed some sort of patrol, and indeed a boat was bought by Government, a little pleasure boat, it cost about ten thousand dollars. I am wondering whether if we recognised that this boat was necessary so long ago, and as a matter of fact we went so far as to buy a new boat, why is it now that we are told that this isn't necessary. To my mind I think it is necessary, I think it's one thing that we should have here now in spite of all the ganja and the drug traffic and what not. I think a patrol boat would go a long way to prevent this. As a matter of fact we have now a man in charge of the drug business, a man who's had wide experience in Hong Kong, and as a matter of fact even in the Metropolitan Police in London, which I think is one of the best in the world. So this gentleman I'm sure will be able to discuss us, but I don't think for one minute that we are treating him fair, when we say we don't need this boat, when we're told on many occasions that boats come in and give their bilges and say come here, and look for this ganja or whatever they might have. I think this is shortsightedness on our part if we expect to stamp out ganja smuggling and what not. So I'm really surprised to hear at this stage that this boat should stay for a little longer, I should think as should have it now, we should have had it from the time they got this Metro pleasure boat as I say, and Government didn't think it was necessary then, and Government bought this boat for ten thousand dollars in Miami, to my mind that was a big price. But we didn't oppose it for the simple reason that we recognised the fact that we needed some sort of patrol, but this wasn't sufficient. I think for one that if Government was anxious to have this patrol boat that they could probably get in touch with United States Government and who can tell that they might've given us a boat that could be used for this purpose. So I, mind this can be done, but of course it isn't necessary now although Government themselves realise how important it was seven years ago.

I must congratulate the Lady Member who brought this forward, I think she made a brilliant speech yesterday and a lot of it was from this same subject, and I'm sure that even though Government doesn't seem to realise that this is necessary, but the Members on this side really do.

I was nudged yesterday about this Agriculture business, I say say this, the only criticism the Member for Agriculture would have, that I when I was in Executive Council approved to let cattle from Union Island, I signed same in true, I did this and I thought in keeping with my whole programme that I was doing this to help the gentleman who had these cattle in Union Island.

MR. T.N. PARRIKAAN (CONT'D): ...subsequently we had an expert from Jamaica from Hope Gardens or wherever it is to see to that, and what caused that to come about was the fact that they banned hides to have a lucrative trade in hides to Jamaica, and they banned them completely, and they came here to investigate....

MR. JOHN JEFFERSON: Mr. President I'm objecting, I rise on a point of order. As far as I'm concerned Mr. President.

MR. PRESIDENT: I can't allow another speech, it must be a point of order stated succinctly, very shortly, and I now rule on it.

MR. JOHN JEFFERSON: That's what I'm about ready to proceed to do Mr. President with respect. As far as I'm concerned I was moving that the information to which the gentleman is speaking is not at all adequate, and as far as I'm concerned I think Members should confine their statements to facts.

MR. PRESIDENT: I'm afraid it's but the point of order, the Honourable Member may make a statement at the end of the debate if he wishes to get different facts.

MR. JOHN JEFFERSON: Thank you.

MR. T.N. PARRIKAAN: As I said I hope that business of sending hides to Jamaica, for the simple fact that it was recognised that even though Swan Island was under the jurisdiction of United States, it had a traffic in cattle from Honduras bringing in these cattle to Swan Island, therefore they would not allow hides to come into Jamaica on that account. That is a statement of fact Mr. President. The gentleman came here and he had a meeting, and he advised us that we must be very careful as a matter of fact he said there was a case in Canada where the Canadians had to destroy a terrific amount of cattle and pigs and everything that was needed to control it. It took millions and millions of dollars and he said at the time, and these are facts, this is not something that I have dreamed up over night. I was in the Executive Council at the time, and he said a Pole came to Canada to work on a farm and he brought with him a Boland whatever that is from Poland, and it was discovered that he had taken a piece of this salami into a pig pen and that's what started it. That's why it took so far before they could really find out where it all came from, and he said that's how dangerous it is, and he said if you ever get foot and mouth disease here, he said it would be a destruction that could never be corrected, because you would have to kill every animal, every dog, every rabbit, and everything else to stamp it out. This is a fact.

Now the Member for Agriculture who I'm glad to see has taken an interest in it, at last, at long last, he told me about this fact about what I had done and what I hadn't done, but I'll like to remind the Member that if at the end of his term it can be said of him that he did as much good for our island as I, then I'm willing to accept it. He knows why I'm so interested in agriculture that I sent the present Director to Swan Island to investigate, in view of the fact that he too knew what we had been, warned against and the rest of it. We would not accept the recommendations of the Chief Agriculture Officer, isn't that a terrible state of affairs. You've got a man who I think is very good and he makes a trip on the direction of the Member for Agriculture and comes back and says now I advise you against importing any meat or beef products or cattle from Swan Island. It wouldn't also that meat was coming here from Costa Rica via Miami and what not, but of course we all know this, and one of the conditions is that this meat must be boneless, it must be inspected, they have it inspected in Costa Rica before it is sent out, and when it goes to the United States it is again inspected and it can be sent back after the Agriculture Department who is capable of detecting it I think had a look at it. So as I say this Member must not forget that this information can be had, and I'm disturbed because my first concern was, here is how they use I say it was only interest if you can call it that. I had cattle and believe me I certainly didn't encourage any cattle coming to here from Swan Island after I was advised of the seriousness of the situation. So this gentleman

Mr. T.W. Swanson (cont'd) who tries to tell us now that he's so interested in agriculture that he sent our Chief down there, and in spite of all that in spite of his knowing that it was a dangerous thing he would not accept the advice that was given to him by the Chief Agriculture Officer. That's the one point I wanted to clear up Sir, and it's any wonder that people say why perhaps it could be that you scratch my back and I scratch yours. I wish that the Members would just take it in the way that it was meant, and say that is the situation.

Now we were told a lot yesterday about Botanical Gardens - my previous botanical gardens. Now the gentleman sitting next to me told you about his trip he had to Mexico the other day, I happened to have been on that same trip and believe me I didn't see anything wonderful about any botanical garden in Mexico. I went there and I was bored the whole time they were showing us around, and they had water running through the place it was fairly high, and as I said it wasn't anything so wonderful. But the point I want to make in this, that sometime ago I suggested to Government that they clear this area that has never been cleared by any two economists. I don't know how they went get in here, but anyway that's cleared now and we're going to have a botanical garden - ridiculous, ridiculous. I said that it could have been cleared and made into a park that would be of great benefit to the young people of West Bay, but no notice was taken of that, but this is election year coming up and therefore we're going to make a botanical garden. I mean that's ridiculous, I didn't ask Government either to front the bill. I asked that the people of West Bay and anywhere else that wanted to contribute should make a contribution to that, and I offered at that time that I would pay four hundred dollars, I would bow off by contributing four hundred dollars to this unknown. And this park would have all the amenities and more than would a botanical garden, I mean you would have it unimpaired, cleared, we asked Government only to clear this properly and then we'll make this park. I think that could have been something worthwhile, but of course nothing was done about it. I didn't have the pull that some other group of had at that time to get the Government to clear it now for a botanical garden. But I still feel that this area could be good for a park and it would basically something worthwhile and furthermore Government would not contribute more than to clear the land and then leave there on the people of West Bay would do the rest.

I said awhile ago that I think our Financial Secretary is really a courageous man to budget for a million dollar's surplus at the end of 1976. I'm sorry as I said that I can't share with him that optimism, but I do hope and pray that he's right, I do really and sincerely hope that he's right, but I can't share that optimism.

A lot was said yesterday about planning, and I shall have something to say about this. Some those Members here in this place will remember when this Law came up it was a terrific law, one which we couldn't accept as it was, and of course the Executive Council at the time included, they wanted to say well we won't let this thing come at all, this is just something ridiculous, as I said I think that we need this plan, we need a plan, not particularly that suggested then , but we need a plan, and I'd say so now. But I said I think you don't recognize the fact that you've been told by the Secretary of State that they expect the legislature here to pass that Bill and further reminded that even if you don't pass it we have the power to do it over your heads, that's exactly what happens. Anyway after that was my suggestion, I said my suggestion is that after the First and Second Readings, I think I said at that time First and last not the Second, and my friend on the Executive Council knows what they says after the Second, and I said well that's so. And that I said we send it to a Committee of the Whole House and have them thing out down to our level; we'll take out as much as possible of the objectionable features. Now we got sitting down with the Attorney General as Chairman for days, and we did the best we could do, and I think we had it in pretty good shape when we got through. But what happened the Executive Council had to take the Regulations, and those Regulations were so ridiculous that it caused an upheaval here, it caused a march. The only part I took in the march was to try to direct the people not to be violent, and if they were going to march march in order, and when they get to the Governor and House, which they were headed for, perhaps the Administrator at the time would come out and greet them, and they must remember that even if they don't

MR. T.W. FARNCOMBE (CONT'D): like the Administrator they must remember that he was a representative of the Queen, and as he commented. That was the only part I took in the march, and they did go peaceably, without violence, and as I said the Administrator at the time came out and quieted them, and then from then on they went home to Government House after that and we decided we would try and get everything done. And we had another meeting, and as soon as everything was straightened to a certain extent we this matter was done amicably, and I think I had something to do with advising the people not to be violent, and to be respectful to Her Majesty's representative, and even if you didn't like the gentleman you must remember that this gentleman was Her Majesty's representative in the Cayman Islands, and we should respect him.

That was what happened so far as the Flag was concerned, and I challenge anybody to say that this isn't so. I think my intervention there was pretty good, I felt then, that it would have been a pity to have that law passed over our heads, just because we were stupid enough not to get down and try to correct some of the things that were in there, which as I said were really ridiculous, there's no doubt about that, but we got it so it could pass anyway. My argument at the time was that we needed it badly, because some of these poor people went into litigation, and by the time the litigation was finished why they didn't have any land left, the lawyers and what not took it all, and I thought that was terrible. I didn't think that would have been the right thing to see as a representative of the people to stand up and allow that to happen, and of course the Cadastral Survey started. I will say this, when they started I was told that Government had no land law, that was exactly what I was told by the Chief Survey Officer, and I'm sure that hasn't been the case, but I'm not here to criticise, I'm here to state facts, and even though the Member here still seems not to be clear that I haven't quoted facts, I think we got a record here in this Assembly. Our Hansard will probably prove whether I was right or wrong.

Keeping on with the Financial Statement, the financial industry which is the other important sector of the economy has been holding its own quite well in spite of the recession. It was recognized by the Financial Secretary that there was a recession when he was preparing his Budget. There were a few influences having in the latter part of 1974 which caused some apprehensiveness in early 1975, that statement is a fact, however confidence in the Cayman Islands seems strong in spite of adverse comments from overseas publications. Every attempt must therefore be made to uphold that confidence assumed in the political and economic stability and good government of these Islands. With this I agree, that he went on to say there the banks had an inspector now and everything was going splendidly.

The office of Registrar of Companies, which is a section of Finance and Development, and which provides a very important service in the promotion of the financial industry is now adequately staffed and administered by a young and energetic Registrar. I'm happy to know that we've got a young and energetic officer who's in charge of it, who has improved the office and its records remarkably. I think that's a compliment to one of our young men.

The financial industry is not built altogether on the prestige of tax sheltering. Many of the world's leading financial institutions have established branch offices here, and they are here with the knowledge and consent of their home governments. Many of their international clients like Cayman because of the tax advantages, but this is not the only reason. Privacy in banking and client business, this country's stability and the reliable service offered, are other reasons why many financiers prefer Cayman to other financing centres. That's a statement of fact which I can go along with. Investors are attracted by the facilities of the Cayman Islands, and the country has become a highly regarded financial centre. Now I maintain that there's a great danger of us losing this, there's a great danger of us with what happened say between yesterday in Bx's what was the financial institutions and the representatives from abroad, we stand in great danger

MR. [illegible] (SPEECH): of losing all these things. I hope they don't, but I seem it's been suggested. As the Hon'ble Member says she doesn't go by rumours, but rumours follow her.

inflation and cost of living. The cost of living behaved much like inflation, well it's tied up in reality. In 1973 the index recorded a rise of 33 1/2 percent, then in 1974 the figure fell to 17.5 percent., therefore six months of 1975 show a fall of 1.5 percent. There is doubt that the end of the year will see significant changes. On the basis of the foregoing it would appear there is no case for wage and salary adjustments, to this I agree, and I think one of our troubles has been that in many offices, many departments they've become top heavy.

If you have to take some of these off the pay roll what will they do. I maintain that we don't keep a top heavy staff just because these people are being employed, and what are they doing, really what are they doing. Lots of them perhaps just sitting down fiddling their fingers, and if we don't be careful we could be in real trouble which I maintain we are in right now, even though they don't want to admit it. The Financial Statement made to the Finance Committee the other day clearly indicated this, I have it somewhere among the papers, he said that if all the recharges at our command, all the surplus had also been thrown in that we wouldn't be able to balance the budget, which is perfectly true, but here again there's indication that the recession is over and everything else going pretty in the United States, even though that might be true to a point it isn't true in the extent when we should quote be assuming a budget for a deficit of one million dollars. I think that we had good advice in the past and we [illegible] it. I don't know what sort of advice the Executive Council is giving to the President, but I'll tell you, I shall always remember this, that when his Hon'ble Member who I think is a very very clever man came down to pay his last visit to Cayman he warned and said I must congratulate you on having done an excellent job, but one thing I want you, get one thing done at a time, and if you try to get too many things done at the same time you'll get in trouble. And this is so true, and I think that's where we are right now, we're trying to get too many things done all at the same time.

I think I've dealt with Planning already, I won't stand long Mr. President, as I have to make it as short as possible. Health Education and Social Services, I think we are all glad to learn that there's been improvement up at the Hospital. And I think we are all glad to learn that Government is now thinking of financing whatsoever it be - anyway they will explain that by getting a loan from the Caribbean Development Bank - from which I see it was made clear that it had to be an institution here in the Caribbean area that was a contributor to the bank, and thereby students who wish to further their education would be [illegible] to take care of this with the understanding that they'd pay it back; Government will be paying 9 percent for it and of course the students whatever it may be whether it's in law or medicine or otherwise they would pay back that loan in installments after he had been practising medicine for instance for thirteen months to have start paying back this loan. Which I think is a good thing, for me I think that's better than the other way around. I think that that impresses on the student that now here it is you are getting this help, and let me be sure that you're going to do your best and especially when we are told that the students concerned in many cases happen to be Caymanians. I know of one particular one the way that he wanted to pay contribution to his homeland. The land of his birth, and when he qualifies he wants [illegible] knew he was working here in the Cayman Islands, that is how we felt about it. I wouldn't say anymore about that because I think that's really well understood.

The education programme is finally going well, I'm glad to hear this, I must here it not by the Member responsible for Education. In the primary section, schools are now fully staffed with qualified teachers. This is a great thing, and I hope that most of these teachers are Caymanians - Cayman trained teachers. The newly established Community College announced recently which is designed to offer adult education is really off to a good start; it is self-supporting. The building programme combined with the construction of a modern infant block as an addition to the West Bay Primary School, I'm very pleased to know this, perhaps it would be well now me to mention something about that school. I may say this is that I was in London

MR. T.M. FARRINGTON (cont'd): attending a conference, and I was invited to come down to the Commonwealth Office, and I had a very great welcome at that Commonwealth Office by a Mrs. Judith Hart who was then in charge of operations in the Cayman Islands and other places of the Commonwealth. Now that was one of the first things I said to her, I said Mrs. Hart we've got this against you that we should have had this school erected long ago, but we've been waiting on the okay from the United Kingdom. She said very well, she said I'll promise you that within the next few days a directive would be given to go ahead on that school building and work enough on a very short time that was done.

The next thing I discussed with her was the matter of casino gambling, I told her that as the Cayman Islands we had a Christian community, and we would never tolerate businesslike gambling, we are certainly not geared for it, and we certainly don't want it, and we feel that perhaps if we think of going to casino gambling our whole island would be ruined. And her reply to me was this, you are so right. We have it here in London and the bad thing about it we can't get rid of it when you want, she says it/there and here to stay, and the ridiculous things that go on there is something out of this world. Within a few days the Administrator had received a directive from London, and this is what it said, we are examining the gambling laws of the Cayman Islands and we find that it is that the Administrator in Executive Council could grant licenses for casino gambling. It said I am directing you now to call a meeting right away and have that removed, they had this all done before I even got back here, and I happened to have been there a day or two when this law was changed.

The matter of doctors, I told her that we were very perturbed over the fact that when we went to London for doctors we learned of wanting us the best you've got, you send us some worn out doctors, who might have been alright when they were young enough and able enough. But as I say right now we've got an old man there who I think is very qualified, and he was trembling all the time and he's worn out. And within a short time I think Member will agree with me that one of the best doctors that we've ever had from the United Kingdom Mr. Smith arrives on Sunday. And I don't think he was treated in the manner he should have been treated or he'd been here now. That's my own feeling about it.

I think I agree with Member who paid a compliment to ICACO. I think they've done a great job, and I think they deserve all the help and support from the Members of this Assembly and indeed people of the island.

I am not going to say anything about the Savings Bank and Currency, I think that has been covered very well.

Police: here again I believe that the Police in some areas haven't been doing a magnificent job, but I'm glad to hear that some of them are being phased out. I being here yesterday afternoon, my daughter drove up to the place here to pick me up and I started to go out and before I got there there was this policeman and he said you can't park here, and of course she was furious. She said I'm not parked I've come here to pick my father up. When he saw that I was there he left, and I was anxious to get home, that was yesterday now, just yesterday, and I think they ought to have some sense of judgment to know that certain things that go on here are just terrible.

You'll notice Mr. President some of the Members on that side yesterday were wondering why I didn't take notes, well I haven't been accustomed to taking notes. I will agree that my memory fails me very often when I get up and the least little thing I might forget, but I have spoken in England and in Australia in Jamaica extemporaneously and I've been complimented on it.

This financing of vehicles I still think that we made a mistake, but of course the majority said otherwise, and I accept it. But I think still that twenty five percent would have been a reasonable rise in the price that you pay for new or used vehicles coming into this Island. I still think so, and I think that perhaps all said and done Government will receive more revenue from that source by keeping it at twenty five percent. It was argued of course that in airports of the world where taxes

MR. T.K. FINNEGAN (CONT'D) change go up, but I think we have a very fortunate people here to be able to carry on, and I suppose if we undertake to follow the example of some of our neighbours, I think we will find that we'll seem to be in just as bad shape as they are. We are fortunate in this Island, very fortunate to be able to carry on this Government, and I would advise the Financial Secretary to try and cut down on some of these projects which I notice we have on a few things, but the Port Project I'm not going to even comment on it, let history prove whether it is right or wrong.

Reallocating, very good, I'm not going to comment on that either. But the new year 1976 I think it is fair to say that never in my eleven years, the Financial Secretary in this office has a budget been more difficult, particularly it had to be difficult. It is a difficult year, and I think one of the difficulties is that we try too many things all at the same time. Never has a Budget been prepared against a background of such international uncertainty, I imagine that he's had a very difficult time to try to prepare a Budget, but I'm glad to see that he realises that some of the projects that were envisaged during this year had to be left because there is not money to finance them. One thing Government should remember even though we might be able to borrow money for these Capital Projects that we have to pay that back, and you can never tell what will happen, as I say we're budgeting on a premise that finances are improved in the United States. I maintain that there's going to be some time before we get the benefit of this. Perhaps the Member for Central will be able to try to justify something about that, but nothing is justified about the agriculture.

This year we begin with a small deficit of a hundred and fourteen thousand three hundred dollars according to the Revised Estimates for 1975. Will if imports keep on dwindling which is obvious you won't have quantity of ships in the harbour as you used to, and of course that means that you'll bring in less revenue. And in the last few months of 1975 instead of expected the deficit might disappear. I'm glad to know that he has this confirmation, I'm glad to know that he's courageous to make that statement in a Budget Speech. So this is the one part I think in most qualified, so we must treat it duly and cautiously. I think that's what I've been trying to put across, not try to - that's simple fact. But you only get ten dollars you can't spend twenty dollars, and think you're going to come out without getting in trouble, and I think that is very much what Government has been doing in the past years. I think they've been trying to spend below as much as they could get, and of course take individuals this will get you in trouble.

Then of course he spoke about the new Regulations for Licensing. I may say this that I was surprised, yes I don't think I should be surprised to know that the Various Executive Council Committees for Agriculture and what not prepared these Regulations was brought up yesterday that we think it is unfair, which I think they will recognise it either while for Test and fishing stations and Heath Side and Seddon Town to pay the same fee that West Bay and George are paying. I mean nothing could be more unfair. As a matter of fact we encourage law breaking. If someone has got a licence to operate a filling station and he can't make money there's always something that he may sell liquor, he might sell this thing and that next thing, and of course you know what that'll mean. So I say I'm glad that finally - I think that is about the only item that the members really came to an agreement with. I'm happy to know that we did, I'm sure I'm happy to know that we were able to help those people in the eastern end of the island in the way we did, even though the Member from West End and others had these terrific rates put on. I hope that this might induce you to get up and say something later on, I think your constituents are looking on.

Traffic Law, Cayman Airways Law, Development and Planning Law and what not, Post Office Law, Lighthouse Law, Customs well I think that's been covered. Companies Law and that sort. I don't think that I'm going to go on any longer, Mr. President, I'm getting tired, and I only want to make it abundantly clear that we are not prepared in the future to accept these things without questioning, and I thank that the Member from Bodden Town said not in his own terms I think it was the famous Disraeli who said that no country could progress without opposition, and I don't mean opposition or criticism for the sake of it, but honest criticism is good, and it'll help the country. I say this like in Shakespeare, men some-

HON. T.W. FARRINGTON (CONT'D) ...closes are masters of their lives with all their problems, with all their happiness is not in our style but in ourselves, with that I close. Thank you.

HON. W.W. CONOLLY: Mr. President and Members at the suggestion of the Member who has just sat down I believe that if I get up at this time I may be able to clear a lot of uncertainty, and there were light an discussions that have taken place here for the last two days on the Budget Speech. First of all I would like to emphasis that the Budget or no action of the Government is decided on by rumours, the Government and governmental decisions are based on facts, and while it may be beneficial to the opposition to air rumours. And I'm not excluding the Press when I say either, yet I don't think that it would be beneficial to the people of the Cayman Islands if our Government was run on and by rumours.

Mr. President and Members, much has been said about the Budget, very little criticism has been made to the proposal in front of us. One thing is sure and this has not been criticised, that if we want something we have to pay for it. I cannot see and I imagine this is the reason why it has not been done, anyone criticising the spending of money if one hates the good. If the people of the Cayman Islands expect, if they need, if they will have infra-structure that is necessary for their well being then it is duly necessary that the Government provide every possible for the people. Now no one is going to say that in this economic times won't be increases of revenue or increases of taxation, no person yet can expect to increase their expenditure on the necessities of life without having to increase their income. Now where does the income from Government derive, income comes from taxation, individuals get their income from their jobs and everybody goes out and every year one is making a year an increase in salary, I want an increase in pay. Well if Government's salary is taxes naturally it follows as the day the night, that there is going to be an annual request for increases of this income. What happens since there's no alternative because the demands are here we want roads, we want schools, we want dock, we want airport, we want town cleaned up, we want Government to send off children for higher education, we want a protective service - the Police Department be reformed, we want a better air service, we want better postal services. Well if we want these then we are going to have to provide them, and I said there's no alternative than to increase income.

I can agree with Members who have spoken, and I believe that there is some other accentuate of that than Members on this side of the House, that there should be an awareness, consciousness of spending. But I think it would be unfair for a Member of this House who has happened to have had the good fortune of spending the greater part of one's life to have to compare cost of a half century ago to most today. Surely when the airport was built in 1953 the labour was ten shillings a day, an ordinary man working eight hours a day, and I believe a little more than eight hours. Today it is sixteen or eighteen dollars per day, and you'll get I'm afraid to say, I might misjudge. But this shows one that naturally costs are going up, and figures today there's no doubt that budgets of this magnitude in some way tend to increase a member who has spent such a long time in the House, but this is normal development, normal progress.

When I first came in the Legislative Assembly, if I can go back to a little bit of history, it's way back in 1964 I think it was the first time I sat in the Assembly of Justices and Vestry. We got the total paper for the year in a very small envelope, that included the Budget, the Queens Speech, the everything, Medical Report if there was one, Education Report if there was one, I could read through it in five minutes. Today the amount of paper that comes in one minute is surprising. So let us not look too far into the past, I don't believe in forgetting the past, I believe that if we are going to see and steer a course in the future we have to take a look at the past to see where we have come from. Surely Mr. Big Budget, surely when you think of twelve thousand people without the protection of other Governments

HON. W.M. CONOLLY (Cont'd): countries, and developing countries, think of an island set out here in the Caribbean Sea with two industries that are so dependent on the outside world economies, and to which that which touches thousand people, and he have a budget of nearly fifteen million dollars. I believe that it is something to really give consideration to. I believe only that the Government can well and truly be complimented on the achievements that this country has made. And when I say the Government I don't speak singly or individually of people having offices so forth. I'm speaking on the people as a whole, because the Government is the people. I believe only that this budget is going to be accepted despite the small criticisms, I believe it's going to be accepted, and I believe that at the end of 1976 that this instead of showing a deficit is going to show a surplus. I have never been more optimistic in my life than I am at this particular stage, and from here on Mr. President, I will deal particularly with the comments that were made in reference to departments over which I have been delegated responsibility.

Mr. President and Members, when I was delegated these responsibilities I recognised the fact that there would be problems, that I would be criticised, I realised the fact that not everything that is done today now can see the results immediately. But I accepted the challenge, and I can truly say that I have as far as my ability permits me contributed all that I was capable of contributing.

Now I will take the subject that is dear to me, and that is tourism. For some time before I became a Member of the Executive Council I was appointed the Deputy Chairman of the Cayman Islands Tourist Board, prior to that I was a member of the Board. For the last seven years in 1969 I was associated with tourism and in 1972 I was then given the responsibility for tourism. Shortly after I was given the responsibility and considering that the Cayman Islands tourist board had been very active, had been very successful I thought it best to review the work of the Board in relationship to the development of tourism of this island, and to investigate future plans. In doing so I solicited the assistance of a team of experts, even though this is a bad word nowadays the way, but I don't think it's that bad after all, I think it's a good thing that we do have some people who are experts. In this survey one of the recommendations and one that was really synonymous with my thought, was the setting up of a full Department of Tourism - Government department. Because I believed that tourism was so vital to the future of this country that it was necessary to have this well organised and placed as a governmental department.

In 1973 this department was set up with the appointment of a full time director, and naturally a policy had to be formulated. This I believe has caused some criticism, that I believe has been taken around the street by some people recently that the Member didn't visit outside to the island. It went to the press, it went to the Chamber of Commerce, and I think probably [illegible] is in the minds of members of this Assembly, what this policy said was really this, that Cayman was not for everyone, and I think you'll agree with me, and I think the world agrees with me. Some person, and I'm giving this now for the benefit of members, there is a certain journal written by a gentleman up in Georgia who puts this booklet out on it, it's a think book, it's called "Travelogue" on the Caribbean, it's a document that tends to carry some good things and some bad things about people if they look at this they say anything you'll like to see. Well each year it is put out. After Mr. Ebanks must have read my report, because I didn't see Mr. Pearson, in fact when that report was published, I was on my way to New York, it happened the very night that I went up New York to make arrangements to have our airline continued. He wrote among other things that the attitude to tourism "and I quote here, he said, "selective and picky". When I said that Cayman was not for everyone he interpreted that, and he wrote it in his journal to say we are picky and we are active. Is there anything wrong about us being selective and picky? And what he went on to say further down, he says "The Honourable W. Watson Conolly, O.B.E., the Government's top tourist boss in this British Dependency frankly concedes that his Government has been studying the industry and its effects for countries, to decide whether or not they want tourism at all".

Hon. W.W. DONOHOE (Cayman): Now this is what I was trying to explain yesterday afternoon when the Honourable First Member from Bodden Town spoke on it I think he said that tourism with all its attributes he says we should study the benefit. I believe he mentioned that in tourism he wasn't saying that tourism attributed to this, but he mentioned that the best trade. And Mr. President and Members, if Mr. Harmon got the message it's exactly what the Member was thinking about. It's alright to say we want tourism, and tourism is a good thing, but I wanted to learn and I did learn from the mistakes of other people in our area. There was no reason at flooding this place with tourists, there was no reason of flooding this place with undesirable people, just because they could ride in an aeroplane, or just because they could pay a hotel bill. First of all the Government had to study the impact of tourism on the indigenous population. If tourism is going to succeed, which I'm sure it's going to succeed here, one of the most important thing is that it is accepted by the people. And Mr. President and Members, if my memory serves me correctly up on two Budget Sessions ago I had trouble to get Members to agree to this thing called tourism. Not everybody was in agreement with it, so even Members of the Legislative Assembly didn't accept the full benefit and the full impact of what tourism would do for this. We have it now in the public now, we have certain sections of the public say what has tourism done for me, run up the cost of living, that's all I've got, I don't work in a hotel, I don't own a hotel, I don't own a taxi car, all of those things, Mr. President and Members we have to study. And if Mr. Harmon said that yesterday, and I was that statement, he is quite correct. He said I was picky and choosy while I didn't say those words, he said that. I said Cayman is not for everyone, and I still maintain that Cayman is not for everyone. We do not advertise Cayman because merely we in this Chamber said we don't want gamblers.

Now today the only two islands in the Caribbean that have kept our record for 1975 as they ever came near to it has been two islands that outlawed gambling. If we wanted gambling in this Island there would be no question about a four hundred room hotel complex, there would be no question of about a hundred percent full year round. We don't want casinos, so we tell them so that. Another thing we don't want, we don't want the hippy type person who comes here that has to sleep on the beach, in fact our Immigration laws are geared that way. If a person comes to the Immigration counter as we all know or should know, and he doesn't have a hotel booking, or a return fare, they take note of him. We want people to come to these Islands, people who will enjoy us for what we have and what we are, a friendly people. We have beautiful beaches, we have clear water, beautiful snorkeling and scuba diving, and shopping and few other things. So don't make a mountain out of a mole hill when you hear somebody on the street saying that Warren Donolly doesn't want tourists. I work twenty four hours a day at times, but as I said I can't cater for everybody just because somebody has a dollar in his pocket. We want people to come here, and to enjoy Cayman, and for the Caymanians to enjoy our visitations.

My second statement which he didn't quote me as saying was this, we don't want to entertain more people in Cayman than we can comfortably entertain. He didn't quote me on that. But thanks to Mr. Harmon, Mr. Harmon has written asking if I would like anything included in next year's edition, and probably I will write Mr. Harmon and give him something to put in it. But whether I do or not, Mr. Harmon will copy what he's said this year or he will write something else. But I believe Mr. President and Members, that Members here know better than that, they know I believe in tourism.

Harmon saw a fairly rough talk earlier at the year in our prime time when the rates were up. Between January and April we had a decline in numbers, and when the Honourable First Member from Bodden Town questioned yesterday I think I should say this, that the reason why there was not more accommodation has been though the numbers are up. The winters are in the summer time, we have had an increase ever since July, and it's continuing to increase, but we're still at the summer times. Some hotels today at a very very low rate, as such accommodation has being a percentage of the rate it would drastically reduce the amount that we earn less that season even though our numbers were up. I have text in next year, and I think this is

HON. K.B. COOKLEY (COOKIE): One of the reasons why the Honourable Financial Secretary didn't put his hopes too high, you know he didn't go rather that. I think he made it slightly higher, because we hoped looking after the hurricane and with all projections that our winter season will be much better than it was last year. At the present time Members, it's gratifying to know that our major properties on the beach are full at this time of the year, which is very unusual. And we are going out in the end of this year with a campaign which was not anticipated as I said at the end of Spring.

I think I'll leave tourism, Mr. President and Members, since everyone now has accepted, they're going to support it; I hope that they will increase some of my votes, if the money was there I'm sure they would be willing to do that. I have a very small budget on advertising, a very, very small budget, the cost has gone up over thirty percent in cause as everyone knows in printing this last year, so I'm actually going to get less this year than what I did; I'm only hoping that with the advent of a North American official Carrier that this will assist in the promotion, and where we fall short in any areas this will make up for that. Failing that I would be in a lot of trouble to keep up my present advertising standard.

I'll take agriculture, I believe this is what has worried some people, and has worried the press, I noticed the headline yesterday almost some meat from Swan Island, and Mr. President, I believe that I should take a little bit of time to explain that. Then I would hope in the future that members refrain from going by rumours when they can get the facts, the facts are available to them. It's unfortunate that sometime you'll find that it is so easy to get the truth and the facts, but we go the long way to listen half of them somebody who knows nothing about what is happening, it will then go out and spread it. I'll talk on Swan Island meat, I'm going to talk long enough that it's boring that I'll be a stark paupered for me out of it when I've finished.

Agriculture in 1975, as the Financial Secretary has said, has seen the injection of a qualified vet. Now this alone, Mr. President and Members, does not complete an agricultural department, don't feel today that everything is finished so far as agriculture is concerned by getting one officer, and one capable officer. It goes a long way, that it is in no way the whole story of any department, but as I said it goes a long way to note that this officer has only been about a year ago, and in fact this officer came in just before the Budget for this year was made up, and naturally had not got his feet on the ground. If we are going into what recommendations and what advisers and what experts told us, we had been told for years according to the reports I found here that the agricultural development in Grand Cayman would probably and most possibly develop on the animal husbandry side rather than the other ways, the vegetables now, which I think most people agree with. And some years ago it was recommended that we should bring in and set up a proper veterinary service at this Agricultural Department. Well it's like everything else we can't do everything now year, we can put a recommendation in the pass, it wasn't be possible to do it this year, but we have it down there and we do it when it becomes possible. Now I mean it did become possible for this Government to find the person, and that wasn't all, finding a person wasn't all, we had to find the money to pay somebody. This became possible last year, and as I said this officer was selected. I would like to mention here for the information of Members that following on a conference that I attended in Jamaica last year, we now have a Caymanian training in Guyana, as an animal health assistant. I know that this young gentleman is very keen on animal husbandry, and I have every belief that he is going to be successful. It is a very solid course, it is not just what they think, it's the academic side of it is probably at university entrance level, and nevertheless the young man has a knack for this, and he has had other training, and I think he is doing quite well, and he will do quite as I.

Then when Doctor Jackson came to our Island, that's one act, one of the first things that he suggested and it is still in the mill that we initiate our laws dealing with animal husbandry. It's a very

MR. W.M. LITTLE (ACTING): complicated law because it controls the importation, the exportation, the care of the animals and everything, but some of these laws are inter-twining, and we had the Public Health Law and we had this law going so this particular law will shortly come before the Legislature. Prior to this our existing laws now, did this is where this much talk has come in about this Swan Island meat. Our existing laws on the importation of animals from outside prohibit the importation of cattle from certain countries, and allow the importation from certain countries, in the schedule of the countries that it is allowed the United States of America happens to be one of those countries, and Swan Island was a U.S. territory. Now the Customs Law when this was being legislated here, provision was made in the Customs Law, the first item on the Customs Law in the Schedule is cattle from Swan Island duty free. But what has happened since that time, and I know everyone knows this because it was going on for a long time, the negotiations of the sovereignty of Swan Island, this was a negotiation between the U.S. Government and Honduras. Now recently this sovereignty was granted to Honduras, nevertheless our laws as they're concerned still under the Customs Law cattle from Swan Island, and the importation of meat says no cattle from Honduras. The people who had cattle there, the Gliddon's family were allowed under special consideration by the Legislative Assembly on a motion on the floor of the House to allow them to get their cattle out of Swan Island, this has been years ago. It was been followed on and in 1970 Dr. Holland who is the F.A.O. veterinarian for this area at the request of this Government visited Swan Island to make a report on the cattle in Swan Island, and I have here his report to the Government. I'll just read the latter part of it.

From the history given to me, this was on the 19th day he said he visited Swan Island, I visited Swan Island on Wednesday, the 18th March, 1970 at the request of the Government of the Cayman Islands and carried out an inspection of the cattle there, returning to Grand Cayman the same evening. From the history given to me, and from my inspection I do not consider that there animals if imported under controlled conditions to Grand Cayman would present any risk to the health of the indigenous cattle. That is Dr. Holland's report. Dr. Holland's report was submitted to the Executive Council, and the Executive Council agreed on the 24th day of April, 1970 to allow the importation of cattle from Swan Island. This was when Swan Island was still - they were negotiating the sovereignty. Since that time Swan Island became Honduran territory, and no amendment was made in our laws to the effect, and as such the Government did not give a cut off date, even though the territory is Honduras. Shortly after Dr. Jackson arrived in this island last year, I had Dr. Jackson to go to Swan Island to review the situation to see how conditions were there and make a report, and he did make a report on it. And the conditions were the were as they were when Dr. Holland made his report, the only cattle that had been imported into Swan Island, and I have it from the American authorities that the only cattle that has been coming into Swan Island has been a bull was Mr. Johnny Bothwell's farm in West Bay. Surely the vets, Dr. Jaboch, Dr. Holland, Dr. Pat and Dr. Jackson, will all say that meat from territories that are subjected to the foot and mouth disease we should not allow. They're still saying that and so am I, and so one went against any professional advice of the Director of Agriculture. What happened was and is, and the records show that no directive had been given because one law said that cattle could be coming from Swan Island, the other law implied that it could not come in, because the sovereignty had changed, and as a result of that Government had not put out a statement, and it was felt that it would have given the people there who were originally Caymanian people who had worked hard for these cattle, it would be an injustice without giving them the notice, and therefore the Government put out a notice in the Gazette saying that the cut off date for cattle from Swan Island would be the 30th day of November, 1974. I take it that early in the new years when the new Legislation of Animals Cross into being there will be a completely new Schedule, and the situation will be attended to. There has been absolutely and in fact no one will ever go against the professional advice of an officer in certain respects, when it comes on a political decision, it's a different matter.

HON. W.W. CONOLLY (CONT'D): The Director of Agriculture made a statement which was based on his profession; so did Dr. Holland, so did Dr. Fay, and so did Dr. Smith; the decision to allow the Glidden's family to take their cattle out was a political decision taken by this Government based on information that the situation there would not run any risk to the cattle in Grand Cayman. Anyhow the situation had not changed from when the place was a U.S. territory, which I feel is a fair and a reasonable decision, and one any reasonable person or any reasonable government would have made.

Mr. President and Members, before I get off of this point of agriculture, and the specific subject we were dealing with, the importation of meat from other islands I would like to make it quite clear that the decision that was taken was not in anyway influenced by any particular member of this Honourable House. It was done purely as I've stated before on a matter of equity.

If the Budget the Honourable Financial Secretary has suggested that it might be a good idea for us to declare 1976 "Agricultural Year" in Grand Cayman, I believe he threw this out to get some reactions from Members and also from the public. I don't think today that it can be successful, nor I don't think that it would be very much purpose in pursuing it if the public was not behind this one hundred percent.

When we think of the development of agriculture in Grand Cayman, and I believe it has been stated many a time and inside of this House that despite the importation of agricultural produce to an country have it, the Cayman Islands we have a lot of set backs. We have set backs as you know with shortages of good arable soil, we have set backs with shortages of water, we have set backs and this in my opinion is one of our greatest draw backs, high cost of labour, and high cost of marketing. There is no doubt in my mind that we can produce here some items I would think of quality equal to any part of the world. But then people here are becoming conscious of economics, even the Members of the Legislature this year are worried about expenditure, and surely the housewife outside is also by no means conscious of expenditure. And I'm sure they go in the supermarkets and find a sweet potato or a yam grown in Bible Land at fifty or sixty cents a pound, side by side with Irish potatoes grown in Maine for fifteen or eighteen cents a pound, well it's a matter of economy cookie does play. And whether one likes the taste of a Canadian or a Caymanian potato one has to consider that, when one can carry home five pounds of Irish potatoes grown in Maine for the same cost of two pounds of Caymanian produce, well you know what happens. This is something over which, I'm not certain who has the control, because people want more and more for their labour and naturally as long as those pertains the people who grow the produce in order to keep in business will have to put a cost comparable with the cost of the labour.

We have had recently two or three projects, and today I'm a bit disappointed, I'm a bit worried over the situation that has happened. We have seen of these developments going under, and naturally when a company is running into financial difficulty, there's only one thing that can happen, people/have/their to stop. I believe that the little production has shut down, whether it's temporary or not I'm not too certain, and the other production is putting on the way I'm told, whether they will be successful or not we don't know. The encouraging factor is that everybody in the office who has an idea of starting agricultural pursuits here, and I believe a new development is taking forth hope by which one has just folded up. Whether it's management, whether it's expertise or what I can't say, but surely there is an continuing development in the production of crops in this island.

Now the Government despite criticism from certain circles has supported agriculture. Agriculture is one of the few industries in this island, a few businesses in this island that does the support. You get your fertilizers in duty free, you get certain equipment in duty free, and on occasions there's the need for special waiver consideration which has always received generous benefits from Government. And last but not least, we have an efficient even though it's small, but we have a very efficient service at the Agricultural Station, which is capable of serving people on the topics

HON. W.W. CONOLLY (CONT'D): of plant and the crops of Cattlefarm and were not to use. Now we have the Plant Protection Service of spraying planes, and another service for the public is the importation of fruit trees. So I'm saying that from the Government's point, agriculture has and is receiving certain benefits that other commercial ventures do not receive. I take it that the time will come when a genuine effort is made to have agricultural development succeed. If it takes more capital for the investors point of view, or if it takes better management I hope that this is in the near offing. Because I would like to see it develop, and I believe that it is going to develop. On the other hand one must remember that we have a very small market here. It is a market and there're so many people in this business that your competition is going to be keen, and vegetables and milk and other items are perishable items, so it means very keen administration and management if it is ever a success.

One of the benefits I believe that the agricultural developers have, one benefit that was spoken of lightly, it was mentioned dealing with another Bill of which my responsibility exists and that is Mosquito Research Control, and I believe someone said that there was no more mosquito pots. Surely today that agriculture will not be in its best until that we can control the mosquitoes so where people can go out in the early mornings and late afternoons to work. This has caused quite a bit of detraction from the amount of work that people would do in these islands, particularly in the summer months when you have long afternoons, long evenings.

Now Mr. President I must touch on the subject of Cadastral Survey, because I believe that was hit on very heavily, and some members even mixed up the Adjudication Law with the Development and Planning Law, completely two different things. I have absolutely nothing to do with the Development and Planning Law. I have the responsibility which has been recently delegated to me of the Cadastral Survey. And, I believe it's a position to reiterate the history of what happened about these bills when they first were looked to be interlaced in the House, that is the Adjudication Bill, the Surveyors Bill and the Registered Land Law. But I will go back a little further, because I think what has happened, what has been not only implied, but what has been actually stated as a fact that the policy starting with the Cadastral Survey has been changed. This I am saying has not happened, in fact I believe that what I will say then probably might be a little premature because there is a motion somewhere along the line to this effect. Now as far as the eastern district is concerned the Cadastral Survey has just entered the eastern district, the three final adjudication sections have just been declared. I think what the eastern probably mean is the midland area. Grand Cayman was divided into three areas, the western area, the midland area and the eastern area.

Now there has been and there was quite a lot of worry over land ownership. I'm not going into the history of who owned and, and who didn't own land, and whether Cayman was a settled colony or whether it was ceded or whether it was a protectorate or what. I am not capable of expounding the intricacies of these particular pieces of legislation. I do have in my possession though a volume written by Sir Kenneth Roberts Wray who was an authority on colonial and commonwealth law, who was advisor to the Colonial Office from 1933 I think until he resigned couple years ago. And it is a beautiful document, it cited all authorities and land ownership all over the Commonwealth, New Zealand and in Africa and in the Caribbean, all over the place. But what I'm saying is this, whether we were settled or we drifted here, we came here, or how we came there is no doubt in my mind that the legislature in this Island, including some of the present legislators here now believed and knew that Government owned seven eleven Lands. I think this is a known fact, and Mr. President as I've said I did a little research last night and I happen to get my cut one book called the Black Book, this I've kept down through the years because it was a very exciting thing.

On the 1st day of September, 1661 which is about fourteen years ago we were called to a Special Meeting of the Legislative Assembly at which my honourable friend over here Mr. Eden Jackson was a Member of Executive Council at the time. We were called to this meeting to formalize a contract drawn up between the Government and a company called Cayman

HON. K.M. CONOLLY (CONT'D): Reclamation Company. This document has been approved by the Governor of Jamaica, and it was sent back here for ratification of the Legislative Assembly, it was in the administration of Mr. Jack Rae who was the then Head of State. We had an honourable Judge of the Grand Court by the name of Mr. Justice R.C. Lansing who read this document. Now there was no doubt in the mind of the Government then, and I don't think there was any doubt in the minds of anybody at the time that the Government did own certain swamp land on the east side of the Great Mound in the North Sound. It was evident that they did, and in fact the Members of Executive Council who produced that document who had agreed to it, the Governor of Jamaica who had had it drafted accepted the fact that Government had certain amount of Crown Land. This document went further, in put an appropriate limit on the acreage, three thousand acres. We were called that afternoon to agree to the sale of this three thousand acres of Crown Land to this Cayman Reclamation Company for a sum of three thousand pounds, a pound an acre. And Mr. President I have the Minutes here, and I have the book here, and if I show you today that is the part . of Grand Cayman, if I'm permitted to show it, and the shaded areas where that land was, see Rum Point up there, see Duck Pond down here. Now what I'm saying/this, that if in 1961 the then Executive Council and Legislative Assembly considered, because surely if the Government didn't feel like they had any swamp land would they go and write up a contract to sell swamp land to people that they didn't have? In 1961 long before the Cadastral Survey was ever thought of, long years before, they said in this document the agreement is here, that we have approximately three thousand acres, we don't know exactly until the surveyors go in, what the surveyors go there and fine out exactly. Because the Government anticipated and envisaged that there was certain amount of part ownership with the other people, they accepted that, the document says so. But until such time as that division had been made known by the surveyors, the Government didn't know exactly to say they sold approximately. And you know the reason why the Government didn't sell that then. I happened to be one of the reasons why it wasn't, and the reason why it wasn't because we didn't have a copy of the document for me to read. Here's the Minutes I can hand it down to you.

Now what I'm saying of this, that if the Government has three thousand acres approximately of swamp land in that area then what happened with it. Where is it in 1975, fourteen years, the Government hasn't sold it, hasn't given it to anybody, where is that land? Can anyone answer me, where is that land? Is it too much today for the surveyors to come in and say this is where we feel that land was? Now the first any surveyors - because this contract didn't go through because the people didn't put the money, the Cayman Reclamation Company didn't get the money - the Miami Group out of Chicago, so now the only reason why the Government didn't go in, ignorance we didn't have it surveyed, that's what this document says, which is/before at this Legislative Assembly. Now the Cadastral Survey has come in and said we feel that the Government has interest in this tidal swamp, that's all they've said.

Mr. President and Members, I can assure you that policy hasn't changed. And I can back this up by decisions of the Administration Tribunal, because in the Spot Bays area when it was discovered that there were certainly anomalies there, the Crown petitioned certain names in that area. Following on questions arising on the floor of this House, when I was a Member was asked if Government had gained any lands or lost any lands, is a watchful eye being kept on Government's land, there were supplementary as to such a one. Well I took notes of that and what I chuckled in I said well if this is how people feel let's test it out. We mentioned some, we had a block of petitions in the South Sound area, that's the area the Cadastral Survey was at the time, in and the Crown lost. We lost, we took it, we withdrew the balance because if you lose one you're going to lose the rest in that area - right. So it shows that no policy was changed, the Cadastral Survey said there's dry land over there, and there's dry land here and here the swamp goes here - this.

Now we come to an area where we have Government on one side as Mr. A and an individual owner on the other side as Mr. B

Hon. W.M. SCHOLLY (Minister of Lands and the Cadastral Survey has said half the story. And in any case, in any case it that area, and there is no book, don't mislead the authority, Hansard except is passed by the House. And I am saying that in the words, I have the press, I have the speech that brings up so much of this contention. I came here armed with a lot of maps and stuff, but I mean you wouldn't ask it, but the same area that I have on the Black Book, if I could put this up, it's the same area. There's a portion of the north east part of the Sound land, and this is the area in contention. And I'm saying that this is the same area there, that's the same area there in 1961 that the Government was going to sell.

Mr. President, it is unfortunate that a few people, and I do ask during this, in any examination that one would do regardless of what form of legislation, or what form of regulation, there are certain people who probably would be restricted to some extent regardless of what it is, it would affect somebody more than someone else. But there is no doubt in my mind that one of the best things that has ever happened in the Cayman Islands is the Cadastral Survey, and a lot of people have got a lot more land that they knew they had to begin with, and other than that they have quit and can get a guarantee title. So I feel today that the money that we spent on Cadastral Survey has been one of the best monies that has been invested in this territory. And even though that there is individual criticisms about it, I am sure that when this whole exercise is over that everybody is going to be thankful.

We have just started the eastern end and not no doubt there will be problems, we won't have I don't believe in the western end the problem of sweep as was in the western end. But we do have an area there that I keep personally, and I'm hoping nobody puts claim to it, because it has never been claimed, as it has never been claimed before, and I would hope no one goes claim to it because they would know better. It has never been claimed by anybody. I don't think today that Government has spent any money on any exercise yet that has been more profitable to more people, take the number of parcels of land, take the number of transactions, take the number of disputes, and all this in consideration, and I don't think anything in the world, if you have that number of children in school you would have more disputes during the day than we have had with the Cadastral Survey. It has been said to nine or ten thousand claims in these Islands, and less than two hundred disputes or something like that out of ten thousand, and most of these were simple disputes that could be handled, very few going, less than couple a dozen going to the Appeal Court. Surely this thing was not as bad as lawyers would want people to believe, they were hired to be a genuine and a widespread backlog in the court, we would have to employ more judges and all that if it was. I am saying that the Cadastral Survey is money that we should not refuse spending money on, and I feel today that it's going to end up with a good team helping that particularly in the western end that it can be of continuing developing benefit to those people.

Someone mentioned land, and I was interested to note what someone said that land is an asset, it is man's birthright, what suddenly came to mind was what happen when you sell that. We see here lately out on Government, government stopping development, government putting this and putting that, the Cadastral map and all that. On the other hand, if it's only saying if, it was completely uncontrolled, and the outside investors would come in as they might, with no restrictions of immigration, no restrictions of purchases, what would happen to us. We would sell all our assets, we would sell all our birthright, and then we would be like lots of other places. If we go back to the Bible, go right quick early in time and you'll see what happen with you when you sell your birthright you know. Because there's an right in anyone's mind, surely the human nature being what it is when you get money in your pocket you're going to spend it, and if you sell your land and put your money in your pocket you're going to spend it. You're going to buy a new automobile, the Government Member for Works will have an double if he does for building roads, and all this kind of stuff. I feel today that we want, we have to for the sake of ourselves at the present time and our posterity, we have to accept controlled development in this territory, and when I say that

Hon. W.W. Conolly (Lieut'd): I am not out for stopping development. When I said that about tourism, context: Yesterday, I was disgusted, when I spoke in a meeting in San Juan, Puerto Rico that they should control the hotel buildings, we were shocked at. Today fourteen hotels closed up in Jamaica, so many closed up in Puerto Rico, so many closed up this place and the other place, over-building, no control. Ours are wide-open, we don't have such, but we're still going, and I think we should take an example from the base and the tentacles, you see the base figures he could crush it all one time you know, and if you do that you're dead. We want investment. I am aware, and surely a person who's in a particular business wants to see his business grow, that's human nature. It is addition and anyone would like it to happen, the country has to grow, but the growth that this country had in 1973 was not a good growth, that was a tumour, that wasn't a good growth at all, that's right, that was a tumour, and it can give you trouble - cancer, yes it was.

In 1972 you're speaking about electricity, thirty seven and a half percent growth unknown in developed countries, in the United States today electricity grew sixty seven percent, here thirty seven percent. Tourism in those years grew twenty - twenty five percent, whatever of, an average increase yearly four to ten percent is good business. People gear themselves, you hire staff, you instruct staff, you build correctingly, and I'm saying that if this country had continued with the development that we had in '73 and '74 that we would not have been doing ourselves justice. I don't think anyone here stopped the development, I believe this is one of the - I would say salvation that came in that we could not see. I believe the slowing down of business in Cayman today, I believe that the consolidation of your efforts, the examination of your management, I believe these are things today than something worse. I'm sure this island needed it, and I'm sure this time gave people the opportunity of doing it. You talk here about offices being over staffed, sure this is what you get, you'll get offices piled up, you'll get everything top heavy when you have this rapid invasion of development. One has to consider whether you want something today and now and forget it, or whether you want it to continue.

Someone said we must not take examples from other islands around us. I disagree with that statement. I believe we should watch them very carefully and see what is happening around us. I don't think today that we should fool ourselves that we are alright here in Grand Cayman, and we are isolated from the rest of the world, we are not, whatever happens in the rest of the world affects us today, and I feel today that it is wise for us to take examples from what happens in the other parts of the world. We took certain examples, members know that, members in this House had pleasant memories of certain islands, I'll name Bermuda for example, Members went there they were very happy, very well entertained and everything else. Bermuda had development, Bermuda has had tourism, foreign investment for over eighty years and it's still going on, why, there's only one question, they don't have any better beaches than we have, they don't have anywhere beautiful waters, the people are not nicer than Cayman people, the island is not an attractive island, something come up out of the sea there it looks like just up a hundred of them or some thing like that way. But it's one thing that they've had, rigid control, I'm not suggesting as rigid a control as Bermuda, probably it is not necessary, but I am still advocating, and I'm still saying that I believe that this Government is a Government that is not run by greed, it is run on facts, and if it is going to succeed it must continue to do that. I would hope that in any future planning in this country that certain amount of hard facing the facts will come up, because anybody today who's anybody will own some property, there's no doubt about it, and anything you do with land is easy to stir up people out on the outside and tell them your land is going to be taken away from you. I've heard people saying that land is going to be taken away and you have to buy it back from the Government. And yet so far as I know we have more than a thousand feet of good land along the West Bay road that someone hasn't claimed, that has fallen to Government worldwood. Government is not looking for any land grab, but what I see, in this, that our natural resources in this Island are so delicate, the natural resources in this island are so limited that we have to develop, we have/utilise these natural resources in the best interest, not only of ourselves - I don't feel today that as members of this Legislature or as grown business people out in the commercial world here should feel successful

HON. M.W. CONOLLY (CONT'D): ...that. I feel today that we have little more responsibility than that, I feel today that we should think about the future, it's alright for us to look about the past and say our forefathers built the foundation for us, well alright I feel that we should have that same feeling and feel that we don't destroy this foundation and we want to pass it on to our children. And the only way that we are going to do that is if we exercise care, caution, and a well planned development.

Much has been said about irresponsible spending in Government, but so far I haven't heard any speaker qualify and identify any area, I haven't heard that, probably the members behind me will say that. Some mention was made about the glass house, they should have put plywood instead of glass. Well that probably can bring an argument, I'm saying that someone might get up and say that, but after all the expenditures in Government are like the expenditures in our own home. And I want to put it back to you, if either/those can tell me that they spent less this year than they did last year or the year before than I'll sit down, and a Government is no different than an individual, and if it is going to cost us more it's going to cost you more, and it's going to cost the Government more.

You've made much about the big projects. Alright, that is so we have a Legislature Assembly Chamber, we have the Courts building, we have the Administration building, we have the Dock and we have the Roads. There are a few more big projects that are necessary, and one that I would like ... it was touched on but I would like to say something on this because ... I don't know who's going to do it, I'm not suggesting that comes in the future. But I believe water and sewerage are very important developments that should take place immediately if not before in this territory.

When Mr. Jack Rose went to London in 1964 after he'd finished his tour of duty in the Cayman Islands he said if the sewerage problem in Grand Cayman is not controlled you will never develop tourism. And despite the fact his words are true, he went on further to say then, and I mean it comes down through the years I am saying this that despite of the fact that we are doing well in tourism and we have good projects for the future, that if water and sewerage is not improved in this territory, and improved ... where there is a good supply of fresh water then we run a greater risk of losing our tourist industry, than we are of introducing the cattle with foot and mouth. We have to think seriously about this, I'm not saying that Government should do it, but what I'm saying, that if it is necessary for Government to jump into this I think it is a wise thing to do. It's a must, and despite the fact it may bring an e-ticket, sure you can buy a car and have money in the bank too. If you have money and you don't spend it, and you want to go without the necessities of life, sure you can keep that money there. We wanted a building, and we needed a building, I wouldn't have been able to stand on my feet this long if I was over in the Dixie Mall, I would have died at least. We needed the Court House, we needed the Administration Building, and even though the Members on this side was considered extravagant in spending, I should send this to Ripley's Believe It Or Not. Being a Member responsible for Tourism, Lands, Natural Resources, quite something else, and the first I do ever getting a desk was two weeks ago, after being in office seven years. After being in office for seven years I'm entering a desk two weeks ago. So I don't think today that we can consider ourselves extravagant, regardless of what people on the outside say. I feel like as certain members have remarked that the public, the Caymanians deserve what they have been given, and I hope they enjoy it. Unfortunately we get less cooperation from Members of the Legislative Assembly at times than we do from the public. I'm saying this with the utmost respect of the Members at certain functions.

Mr. President, there was all good praise for sure, I haven't heard anyone say anything bad about it, or opposing any expenditure, and I'm sure that there won't be any opposition. That's why I would volunteer Mr. President to get up and speak at this time, because I'm sure there won't be any opposition. I believe that everybody is convinced that the Unit is doing a pretty good job. Recently we had, and I believe somebody mentioned that, we had a visit from a team in Florida which I must say that the Government and people are very fortunate to have such a team of

[illegible] experts came in. They're very busy people, very experienced people, and had a look at our operations. They had a look from the air, they looked from the land, [illegible] - and I haven't had the report yet, but from the preliminary talks that we had at the Informal meeting, I am a bit gratified to know that their findings were similar to the way we think here that in the two years of operation of this Unit that they have done exceedingly well.

Of course one of the things that was brought forward in the discussion and that was very quickly, was the fact that we have a big problem. They didn't duck behind that, they said we have a big problem, and I mean we knew that, we didn't know it before the Secretariat Survey came here, but we know it after they came. We know we have forty two square miles of swamp in this island, so that's the big problem. One of the experts that came down surveyed with me hundred and forty acres of swamp and he has a terrific job to control that, and then gets rain of hand at times, with the constant surveillance and the constant pounding and here we are last time, twenty times he loses a problem as he has with a limited amount of money, limited amount of staff. But I too would join the Members who paid compliments to this particular department, I believe myself that they're doing a good job, and I would like to say that it's not easy to be out in that swamp at times cutting those trails, and that is done by hard working people, and I believe if we are getting anyway's where they please we are getting it here; and I would like to re-re-address a compliment that has been given by others on this.

Now here in another expenditure in 1970 we probably only can hold the line, we haven't asked or we haven't got what we asked for in equipment or insecticides. We haven't got the quantity here so will try to hold the line, but again as people want to enjoy a Cayman where that you can go out and enjoy yourself without being tortured like we were twenty five to thirty years ago, it means spending some money, and I don't think today that we can be accused of being extravagant, because we go into these problems as tastefully as we can do with the amount of equipment and finances that we have.

This brings me to a point, I think the Honourable Member said something about Sir Hugh Foot, I believe I was there the very day that was at the end of the building of the Airport and Hospital, and this again tells me that it's good sometimes to go by the advice of people, but I don't think the Legislative Assembly went by the advice of Sir Hugh Foot. I remember he complimented the Caymanians on their great achievement of spending ninety thousand pounds to build an airport, no people in the world he said would have attempted it, yet they completed it. He says I tell you it's a great achievement and you should be complimented, he went on further to say as the Member rightly said this morning that you have a lot of things to do his way, and you should only take them one at a time. And he says I would suggest to you that you tackle education, you tackle education, you educate your Caymanian boys and girls to run your country. You know every Member including the Member there jumped up and said we want roads, you know that, despite the good advice that the Governor gave everyone said we want roads, and that's how you got the road between Bodden Town and West Bay. I have the records of it, I was a Member of the House, as I know, and today we've got our roads and we will/must get our children educated. I may and I haven't heard any adverse criticism, last time it was you know about the educational system, but I believe this time I think that there've been some compliments, the Member wasn't certain whether it was a bouquet or a rose as what it was, or a thorn, but he threw it down anyway to the Member that is responsible, and I too would like to say that I believe that when this Government went all out on education that is money well spent. But on the other hand I have to disagree with what the Member said, and that is that when we send these children away and they come back qualified we must put them up the top, you mustn't push that one and this one that. Now here again this is a matter of circumstances, there are some people depending on the circumstances that can get in positions quickly because as I've said the situation is changing. But surely this is not a new thing in people in the outside world, where you have qualified people but they have to work in a circumstance, they get promotion on seniority.

MR. M.A. HENRY (cont'd): Seniority in most companies today is a very important thing, you have a lot of qualified people, you have ten qualified people for one particular position, and they're taken them at their seniority. We have certain organizations that they compel you to retire at a certain age to allow young people to get promotion. This was a detriment to us here, this was a detriment to us in years gone by, because we was told you had to wear a dead man's shoes. If somebody didn't die at a job there was no promotion, because there was only two or three jobs: so you wore a dead man's shoes. Today it's different, departments of Government, banking institutions, the computerized system, and all these organizations today take people right up the line, and I believe that Caymanians qualify, and if Caymanians don't get ever chance to become the boss, I believe they'll succeed. I'm a seaman, and I'll call you this, most Caymanians are seamen, and I'm going to talk in nautical terms now, but it is known that on ships, and I'm sure my honourable friend there from Bodden Town will agree with me, that not because a person has a Chief Engineer's license or a Captain's license that he's captain of a ship or a chief engineer of a ship. I've seen guys sailing with a captain's license, he was sailing as a Second Mate, he was qualified, he had his license he had his ticket, but it took time before he got in that position. And I would like to say one other thing, that having a piece of paper is not just all of it, that is mastering the academic side of life, but to be placed in charge of a department you have to deal with people, which it takes experience. It takes maturity to deal with people, and despite the fact as Mark Twain has said, "Now that I've got my certificate I'll go out and get my education" I think that is what we should teach the young people in Cayman today, now that we've got our certificate we should go out and get our education.

There's no one in Government today that does not want to see Caymanians fill these places, but one thing as far as I'm concerned, I don't want the young people to feel that because I'm a Caymanian I'm clanked and I can do anything just because I'm a Caymanian and you can't. [illegible] we've got a job situation, we can't produce [illegible] and if we have our Island here saddled with such a situation we will be not in a few years' time trying to beg people to come back. We'll be another Freeport, where the hotels told the people if you come we'll pay your airline ticket. This happened, thank God we didn't get to do it yet. There's increases in airline tickets and they're still rising.

Someone mentioned about our National Airline, I might be drifting off a little and I believe that the Honourable Financial Secretary will know more of that situation when it comes in his winding up. But anyway we are at a free for all, I believe I would like to say that surely Cayman Airways has the full support of the Government, and I believe of the people of this Island. But Cayman Airways would not have been a good airline, the service would not have been a good service, everything would not have been just what it should be if we didn't have a certain amount of competition providing the market was wide enough to offset that competition. And I believe that the market is unlimited, there's millions and millions of American people travelling out of that country every year going on vacation, and there's no reason at all why we can't have our fair share of those people, nor there is no reason at all why Cayman Airways can't be one of the prominent carriers in bringing them here.

Cayman Airways has a lot of protection, Cayman Airways has the protection from this Licensing Authority here, because this Licensing Authority here controls the Landing. The other airlines can't bring in a plane as they like, and as many as they like, even though they're given a run. If Southern is given a run or National is given a run, or Eastern is given a run they just can't bring planes any time they want and as many as they want. That air transport licensing Authority controls their landing, controls the number of flights, so there's plenty control. And I feel today that we are just being open, we are just being fair, we are just showing our friendship, when we offer ourselves to a degree of cooperation from an American Airline. And I feel today that an American Airline will do us a lot of good, because they can help us in advertising, your basic interest now is our interest, and our interest is their interest in working together we can bring in people

MRS. M. J. DONELLY (OOHIO):here. One watermelon thing as I've said before and this is why I've stated that, we have to be if you care to use the words that Mr. Dayman has used in his guide - Paddingtonside, selective, I would not be against you using that. I might use it myself, but I'm using it in a very constructive manner, I'm not saying, that we are going out and tarring them anybody. But there're ways and means of doing this, and we have like the Exhibition here with all gambling laws, with control of our Immigration. And another thing we have done is our advertising programme, I believe that was questioned as to our advertising programmes. We advertise in some of the most popular magazines and journals in the United States, we are not able financially to go to the regular consumer market, because we couldn't touch it, our small budget is used primarily in the travel trade. We invite a lot of travel writers to our island, and a lot of travel agents with the support of the hotels and the airlines, and in those magazines we are able to get our point across to the unknowing public of the United States.

Mr. President, one of the points that was raised and I think I should answer this briefly, this was in relationship to the liquor licensing. Much has been said about the Liquor Licensing Branch and I didn't follow the argument because the Honourable Member stated this House I believe that the reason why the police cannot prosecute is because the word "generally" is in the law. She further down in his argument he stated that some people will tell her he's a child if she's just high enough to hand the fifty cents over the counter. Well simply if the word "supposedly" shouldn't come in there, I would feel that the barmaids or the police or the Member or me or anybody would know the difference between a child that might and a person twenty one years of age. This I think is only being blown out of proportion, but one thing I would like to remind Members, and I would like to do that at an early stage, that as Chairman of the Liquor Licensing Board my responsibility is not to implement the Liquor Licensing Law. My responsibility as Chairman of that Board is to call the Board and to adjudicate on applications, objections and all that comes before the Board. Once the Board has come to a decision on granting or refusing, with any conditions that stands here, that's as far as our responsibility goes, it is not the object or business of any Member of the Board to go out to implement the Liquor Licensing Law. The Liquor Licensing Law is like any law that is in our Statute Book, if someone breaches the requirements of this law then the Police Department, or if an individual have the information the Legal Department proceeds with the prosecution in a court of law.

We have under this law certain considerations in respect to a person who has been convicted of an offence of the law, and/recommendation of the Clerk or Courts comes to the Board then the Board in its wisdom can revoke the licence or suspend it as the case may be. But I'm not going into implementing any law, and I would like to say this, that if the public of Cayman, Members of the Legislative Assembly, Police Department want to bring prosecutions under that Law, that they can do it, and I'm saying that if the prevalence of breaches of the law is as most Members are saying here, there should be no/difficulty in the Police Department bringing people to justice. I cannot see any failure in this particular section of the Law that is the reason why people can't be brought before the courts. I am saying that this is a matter that we have discussed and you know it's very interesting, because in September 1961 the first part of this Meeting I'm talking about dealt with this age you know, the same twenty one, that's when it was changed, that same meeting. So this has been going on a long time, and there's no reason today if the bartender wants to be honest with himself, if he wants to be honest with the Government, if he wants to be honest with the future of this country he can see whether that person is of age to drink or not. If he comes to him as soon as someone suggested with a list of board and a lot of names hanging down that you could know whether he's twenty one or not, he might be nineteen and a half or twenty and a half, that is in my responsibility to question him, and it still puts the responsibility on this person to prove he's twenty one. Because all the bartender has to say apparently you're not twenty one years of age, and the whole onus then goes on the person

HON. W.W. CONOLLY (Elgin'C):for him then to think he must produce some papers to prove that he's twenty one.

The bartender is the person who has the jury on his hand, because the drink is behind his back. And if he looks in this guy's face and feels he's not twenty one, or he's younger than that and says I'm not selling you because "apparently" you're not twenty one years of age. The responsibility then is on the fellow to prove that he's twenty one or over before he gets a drink. But as long as people will sell to chaps behind as the Honorable Member said, then you could put the age too. Wouldn't make so avail, you could make it forty, it wouldn't make an avail. I don't criticize the law, it licensed premises are selling liquor to these youngsters they know they're doing wrong. They've been told they're doing wrong and I fail to see why that they can't wake up to the fact that they have a responsibility. And if I'm sure if Members know of any instances where that bartenders are selling behind and a written statement to that effect given to the Board I'm sure the Members of the Board will look into it very very carefully and very,very seriously.

Mr. President,I haven't said anything about Cayman Brac, I didn't forget Cayman Brac even though the Members on the other side said that we had forgotten our good friend here because he was on a mission to settle the disputes in Bangladesh or some place. But we didn't forget him. I can assure/ the Financial Secretary was conscious of the state of the economy, and Cayman Brac got their equal share of whatever there was to get. There is no doubt in anyone's mind that those two islands are problems when it comes to dividing investment, it's not an - my job to have investment go to either Little Cayman or Cayman Brac. It is a hard problem to interest investment there, and it will probably be sometime before the right person and the right investment comes along, we don't get any investment at the time we'd hear about oil and all this, but those things never come/fruition, so we'll have to wait until such time as a good opportunity knocks. In the mean time I believe that Cayman Brac is sharing and getting their portion out of the development in the Cayman Islands. I can tell the Members that I particularly in location sale special section of Cayman Brac this time in our aid. I had insisted on having one of, we don't have too many at Cayman but one of those was Cayman Brac. It was an underwater/ about twenty feet off the beach at Cayman Brac, it's a beautiful picture and I believe that it's going to be our drawing card this year and next year. So this will help, when we get a lot of tourist/ we're going to have a lot of spin over from here going on to Cayman Brac.

Mr. President I don't think that I will touch on the other subjects, we have the Honourable Member for Communications and Works who I'm sure is well qualified to take care of his lot. We have this Dock Project that is causing so much criticism on the outside, we do get a lot of criticism from people who probably are captains or engineers but I don't know if any of them are dock builders and this is what you get. As long as this Government takes decisions on facts rather/ this gossip, we know as people view a situation in a broad light which I'm sure Members do, and contrary to the suggestion of some of the other Members, I believe that this country is on the right road to success. At least if we were not on the right road there would/n't be so many of our people on the outside trying to get in. Question/ yesterday of the contrary that those that are in can't get out, those that are out don't want to get in, well we are a little bit different here, we can get one with two schedule airlines, and chartered flights going now, we don't want to go out, and a lot of people want to come in so things must be pretty good here. But I don't think Mr. President that Members here who are responsible for portfolios are lying down on their laurels, I believe that they can think too as well as Members on the other side, as well as Members who oppose this, I believe that. I believe that Members have been grateful of the criticisms, because I believe that most of the criticism has been constructive criticism, and I don't think it has been altogether negative criticism. And this makes good - there's no doubt about it, Members despite how good one feels he is a second suggestion can always add to that goodness.

HON. W.R. CONNOLLY (cont'd): Personally, I look forward to seeing 1976 come in with a much brighter prospect than 1975. I look forward to seeing Members here even giving more blessings and more congratulations and more bouquets at the next Budget Session. I look forward to seeing a lot of our developments completed and I ever have the hope that the Airport Terminal and this other great development that I spoke of being started or getting on its way. We need more today and I think today that the taxpayer that have been proposed are because they are reasonable. I believe that no one has time or and different any suggestion to this entirely any other item where we could look after. So in that respect, Sir, I would like to thank the Members, those who have spoken before me for their criticisms and for their blessings and for their bouquets, and I would hope that those who speak after me will be similar in their approach, if not I will still go on working in my way, the best I can for the benefits of these islands. Thank you Mr. President.

HON. D.V. MARSH: Mr. President and Honourable Members, as it will not be possible to complete this debate today, I move that we adjourn at this time until 10 o'clock on Monday morning.

SECONDED BY HON. C.B. WAKEFIELD,

QUESTION PUT:

MR. JOHN HARRINGTON: I wanted to say Mr. President that I know there's a lot even though we didn't, through this afternoon, at least it will make the load that much lighter on Monday that we will be able to get into Finance quicker, and personally I have a lot of obligations I'd like to be able to look after and get through with. I'd like to see the business of the House move on as swiftly as we can, and I would be opposing the motion myself. I feel that we should get as much done now as we can, the day is still early, and we at least could put in four or five hours this afternoon. At least we would clear some of the rest of the speakers.

MR. JAMES M. BODDEN: Mr. PresidentI was in favour of going on this afternoon, at this point I would have to object, because I didn't know it was possible for the Member in front of me to say no.

MR. C.B. WAKEFIELD: I think it's a point of order Sir, this is a motion for adjournment, and I don't think that's par. be debated,

MR. PRESIDENT: I think that it's quite proper to have opinions before I put it to the vote.

QUESTION PUT: AYES & NOES, AYES.

.. HSE ADJOURNED AT 1.20 P.M. UNTIL MONDAY MORNING
THE 24TH OF NOVEMBER, 1975.

M I N U T E S

MONDAY, 24th NOVEMBER, 1975

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. TASOS KYPRIANOU, C.M.G., M.B.E., E.D.,- PRESIDENT.

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WATTUM, Q.C., J.P.	FIRST OFFICIAL MEMBER
HON. G.F.MARRIOTT, C.M.G.	SECOND OFFICIAL MEMBER
HON. W.H.HOPKINS, O.B.E.	THIRD OFFICIAL MEMBER
HON. A.E.SMITH, J.P.	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC UTILITIES)
HON. T.O.EBANKS	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. [illegible]	THIRD ELECTORAL DISTRICT, LESSER CAYMANS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. V. M. CONOLLY, O.B.E., J.P.	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, PLANNING AND NATURAL RESOURCES, MINIS. AGRICULTURE AND SECURITY)

ELECTED MEMBERS

MR. T. M. [illegible]	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN D. McPHERSON	FIRST ELECTORAL DISTRICT, WEST BAY
MISS MARCIA E. DONALD	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. TRUMAN BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. RYAN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. C. ARNIE BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. [illegible]	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ABSENT

CAPT. A.A. [illegible]	ETC.

[illegible] OF THE DAY

[illegible], [illegible], 1975

[illegible] OF THE DEBATE ON THE FINANCIAL STATEMENT

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MONDAY

24TH NOVEMBER, 1975

11 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. I apologise to Members for being slight y late this morning.

We resume proceedings on the motion on the Second Reading of the Appropriation Bill.

HON. V. G. JOHNSON: It would be unfortunate if I have to wind-up now Mr. President.

MR. PRESIDENT: Unless Members want to speak on this Motion I have no alternative under Standing Orders but to proceed with a Motion that the question be put. Standing Order 41.1 states that the President shall forthwith put the question unless he considers that the Motion is an abuse of the Standing Orders of the Assembly, or an infringement of the rights of the minority, while the original question is on the floor.

HON. ARNOLD H. THORPE: Mr. President, it is a great pity that I am only allowed to speak once, because I would carry on about those that seem to be afraid of something I don't know what.

HON. T. W. CONNOLLY: Mr. President, I move that the question be now put.

HON. TREVOR FOSTER: Mr. President, it looks like I'll have to try to break this problem here this morning, although an Executive Council Member spoke last - I thought that one of the Members would speak from the other side .....

MR. PRESIDENT: I think I must ask if the Honourable Member wishes to withdraw his Motion that the question be put before you speak.

MR. G. HYDE WOOSEY: On a point of order Mr. President, I don't think there was a Seconder for the Motion, or may be it doesn't need one.

MR. PRESIDENT: The Motion does not require a Seconder under Standing Order 41.

HON. T. W. CONNOLLY: Mr. President, since a break is coming I will respectfully withdraw my Motion, but of course I would make the point that it does not speak of good Parliamentary behaviour what is going on.

MR. PRESIDENT: May I take it that there is no objection to withdrawal of this motion. The Motion is by leave withdrawn, the Honourable Member for Executive Council for Cayman Brac.

HON. TREVOR FOSTER: Mr. President and Honourable Members, first I'd like to congratulate the Financial Secretary on his able and well put together Budget Speech. I know it was in a very peculiar line due to the recession in the world - our own position, and still I think that his speech was well put together in his own position and it does not worry me to that extent. I feel the Cayman Islands are still in a good position - particularly in my position just coming from

HON. TRAVIS POSTER: a visit abroad I can't help but think that no matter how badly off we are here we're still in a much better shape than other parts of the world, and after all in this modern day a deficit is not unknown of, of course I feel that Government is in the position to make this good in the months to come.

Mr. President and Honourable Members, 1975 has seen many capital projects going on in the Islands, which are all very needed for the benefit of the people in the various Islands. One may tend to think, or the public either that there were too many of them started at one time - this I will buy to a point - very of them should have been in been, years before, but evidently it was not able to do this. Nevertheless Mr. President, a lot of these projects help supplement employment as the Financial Secretary said in his speech so that this year the public did not really feel the recession overall as they would have if a lot of this construction had not been going on, so one can only tend to think that if Government is supposed to take care of the problems of the people - our Government did its best during this crisis and during 1975. One can only hope that as the new year comes in things will improve, and it is no doubt that it will get better. On the other hand under the able hands of a Financial Secretary, I think he knows where to cut not only his allocations but the hands of politicians as needs be according to his budget.

Mr. President, Tourism has seen an increase in the latter part of this year - the first part was a bit down - the Member was just telling us that he has every hope that at the end of December he will make a slight increase over 1974 - this sounds pretty encouraging and/don't it will certainly we hope to increase. Mr. President and Honourable Members, however I do see one sector that can be increased with a bit of energy directed like it, I don't know whether you would call it under Tourism or not, but nevertheless the development of housing for retirees would be very attractive particularly in the outer districts and the outer Islands. Today many people at retirement age like to leave the hustle and bustle of the cities - I think our Islands particularly the outer districts are conducive to this type of development - we have kept the environment unique, and Mr. President I think during the coming year every effort should be taken to launch an advertising campaign to outreach these people. I feel that if necessary, and it will/necessary incentives will have to be offered for low start in the various schemes that have been put, but I feel like we are looking into a complete new horizon in this field. I don't think we have really gone out to look for the business as far as this is concerned - sure, the Talmon has been - visitors could come notice some go, but I feel an advertising campaign must be launched with descriptive literature offering incentives so that people will know what these Islands have to offer in this line. Mr. President, the overall conditions of the Islands lend themselves to this type of person. I think our/general problem is that not enough know about it. I think during the process if this could be implemented, of this campaign actually the outer districts and outer Islands must be the centre of attraction. The capital has its various economic developments over the years, and on the other hand the outer districts and outer Islands are feeling the pinch. Naturally our population in these areas are only human when they come to the capital and see what is going on - they can only seem to feel within themselves that not sufficient is being done for their areas. On the other hand I would not completely buy this, but as I said they are only human and they only take these things at face value as right value. I think that we have to centre the whole campaign on the outer Islands and outer districts as the retirement centre, and I think if enough is done about this certainly we can attract people in this phase of development. Mr. President, as the old saying is you have run what we must look for the fire. I think we have ample plans for development in this type, and we must look for the fire to go with it.

HON. [illegible] Mr. President, in my own constituency the owners of the local hotels evidently are taking this to mean -- they have started construction of additional rooms and hence efforts should be made, and on the other hand there are making every effort to entice more visitors to our Island.

Mr. President, Agriculture though it is very limited in these Islands its no doubt it has a certain potential - its not necessarily the potential in the range as most people we are familiar with, and a lot of problems stand before/IN this type of development - water for instance and lack of available soil as I said before, and the other thing is bank capital. And in a point the Cayman Islands is not very agricultural minded in the first place. But as I see it Sir, there are people in the outside world who are interested in this type of development and hence again efforts should be made to entice these people. I think we will have to set our agricultural policy properly with a view to what thought of development we can lead our people into. If necessary we will have to advertise for the foreign investor- the foreign capital, and one can only hope that if this can become a reality that some local participation would take place - I feel there is a lot that can be done in this field, and today or recently we've got a Director in that Department who is very professional in his field, and I feel with his energy in agriculture, his interest that is coupled with the host of new ideas that he can inject into it, and if the capital could be forthcoming I think I look ahead in them. One that led me to bring these few words here today was in tasting a small sample of liqueur which can be made from our sea grapes, which sea grapes are still throughout these Islands. A/c on a visit to Cuba[illegible] many times last year I noticed, and toured their Liquour Factory. Which most of the stuff even in that Country the raw material has to be imported, and today you see short liquors all over the world, and I feel a lot can be done in this field, but of course the thing that directs all of this as it is as in all our development is the finances, so this part no doubt will have to be substantial before a move can be made.

Mr. President, I do not intend to go in depth into the Budget Speech as some others have done, I feel it is self explanatory, but I did pick various points that I wanted to say something on, and Planning is one of them. Planning is needed in any Island, any country no doubt - we're all aware of this - sometimes I want to think that may be planning is a bit late to these Islands, and particularly the capital city. However we can only try to do what is possible at this time. But Mr. President first priority in planning in my mind, and which is of paramount importance is that it must be inclusive and suitable to the local population and to the visitors or investors as well Mr. President, I am aware that professional developers require good planning - this is their first requisite, however the onus is on the office hand must offer suitable incentives before one will spend large sums of money, particularly in a foreign country. Mr. President and Honourable Members, I would ask that Members as well as the public look on planning and on the Development Plan as it goes on from a progressive view, and one which is needed for orderly development, and to keep the environment conducive to the most as well as the visitor. On the other hand Mr. President, it is indeed necessary as representatives of the people that our first obligation is to them, and planning - in all phases of it must be suitable to majority of our population. If this cannot be derived from this measure we are going through right now with this plan it is evident that something is wrong. The plan will have to suit the majority of the people of the Cayman Islands if it is to succeed. And after all when one really tend to think about it - a local planning - our people are aware of this, but as I said it must be suitable and it is evident if it is not suitable, well something else is wrong - I wouldn't go as far to say that it is not needed, because

HON. IBEZOR ROCHEU: I am aware that anything of any phase of business any type of development needs a plan. We have planning in our very bones - its needed so it's useless to say that the Islands don't need a plan. But the point that I am trying to make is emphatically clear - we must work our people if we are to have Islands that lend themselves to peaceful living, peaceful development. We must keep that target in our minds as we go on.

Mr. President, overseas our experiences we have heard various ones speak about a setback - this may be true but in this modern age I don't feel that every/one many business, too many families and too many Governments such can't have some provision to deal with early and yearly. I don't/think it is anything for our public or our Members to get over excited about, as I've stated under the leadership of Financial Secretary something will step before it goes too far - he keeps our hands tied when it is necessary, and I feel that as much as the outside world, particularly North America realizes that the state of recession we were in might only last the benefit here, on the other hand may be the slight recession was good for us/Islands as a look to memory of the old days, and to let us realize that its a very good to put something up for the rainy days - I think after this period evolves you will find that the Caymanian as the whole will tend to have this amount in his mind and realize that saving ought to be a part of his everyday budget.

Mr. President, of various particulars that are under construction I can only say that they look very favourable to me. We have experienced a set-back here and there, but that's always inevitable - this is one of the great principles of life, and it is not only we who are affected in this way, but one thing the public no doubt will have seen that the projects that have been put forward during the last years were very well needed - three/four new to better serving; amendments for the Civil Service, for / representatives which no doubt the fruit that will be borne will/be/joyed by the public of these Islands. Mr. President, during this session/there/ have been some tax measures introduced, I agree and I think any that is here with Members in this House that would have liked to have seen this happen if one could better do. But we all must remember that its two sides to this story - our economic/ social facilities in their various areas - they ask for it, we/we have to put/up forward - we get a go ahead and we need money to implement them. You cannot tax one treasure that hits the public such which they see - be that tax measure or percentage, but if people instead of griping about this will look back at these Islands years ago, and even now they will recall the state for instance of roads. Today the position is quite better, and as the months go on the newly surfaced will be maintained and Mr. President, needless to say that operation with the equipment does/takes a lot of money. I can recall not very many years back trying to leave George Town to visit and see the Meaker from East End and that was a day's walk in itself to get to some and so that road, today the situation is not so. Even in our own Island of Cayman/ we have seen the whole road on the North Coast blacktopped, part to the South Coast and we have even had enough courage to try to build a road on the Bluff, so Mr. President, I don't think it really is that big a pressure on the motoring public when they think of the things that Government has been doing to make the roads better and I only say and ask that even other thoughts come in their minds that they tend to look on a little bit of the good before they look on all of the bad.

Mr. President, there are many other fields of the Islands are lacking/in development, but I must say here again finances are the controlling factor and during this particular period - as the old saying is/we're no doubt going to have to cut our coat/garment according to the cloth, but shall/ we I feel that we have been blessed. The Cayman Islands right now are envied by many - many would like to come here and enjoy a pleasant life. Immigration Members/are our job

Hon. Chief Minister: ... we see that these Islands range this way - it is our job to see that our development goes on in a manner that we retain the character/[illegible]/environment - that our visitors will find themselves happy with us, and again paramount in our minds must be that while entertaining our visitors our form, population must be known. In this modern age when development goes with such a rapid pace, when developers from various parts of the world are seriously looking for new fields - it is not very easy to keep all of these phases under control and to a point where it lends itself to peaceful living on both sides. This/[illegible] we have been trying to do - this is almost in our Government's wine barrows at this stage of the game. Mr. President, its no time for any social unrest - problems and I feel with the co-operation of the public that these representatives can achieve this goal. I see that the Islands have a great potential for tourist development, but again which we/keep in our minds that any country, any island has a point of saturation and once it becomes saturated and it is over done the problems start, this is quite a job in itself to define the point of saturation. And this as I have said before must be defined to a point where the local population is happy with it. We as might not get in favour of this development a community which all people like, particularly business-men on the whole - or developers, but this is very necessary to define to avoid future problems.

Mr. President, we have had various points during the course of the events last week made/[illegible], from the various parliaments, but up to the last speaker I can't say that I have heard really too much criticism that you would/[illegible]-constructive - I feel that the temperature dropped a bit, as it you would like to look at it from the other side why by the various peoples are now better off because they are getting towards inclusive-tourism times - I have noticed particularly during this session that education and the hospital always stood for a lot of social criticism, but it is my opinion that our Government has been moving forward in these divisions - renovations at the hospital - the the construction of schools in the schools - in the area we have seen over the last two years two additional class rooms put on so that we can take care of the influx of children - its no doubt again that additional work is going to be required. So this, Mr. President, makes me a bit happy to hear that the criticisms is not that great in this session. I can only say that/[illegible] as if Members have done something to the benefit of their country and their Islands.

Mr. President, one Member stated that it was obvious to him that the Member from Cayman Brac and Little Cayman wasn't present during the compiling of the budget - well from the first view of the estimates I could have thought it, but I have found where hidden in certain places there are some allocations for various expenditures - it will be necessary to dig them out of these hidden spots, but this no doubt we will do in the course of the Finance Committee. I am certain that no Member has gotten in this year's budget what he would have liked to, but again we just have to cut it a bit, and no doubt as the year progresses on are hoping that we will find other funds available, we hope that there will be an increase in revenue and we should be able to go on without too much setback.

Mr. President, I have covered my few points and although we do have some speakers I would personally like to thank those that have spoken, and gave Members credit for when they have done. I would like to/[illegible] you/[illegible] thought that one doesn't mind being criticised constantly, but he would like a little credit for when he has done something.

Mr. President and Honourable Members, I thank you very much.

HON. A. B. BUSH: Mr. President and Honourable Members, I was surprised this morning when I enquired of the Chairman to know that if a Member from Executive Council had not now spoken the regrets would have ceased on the Financial Secretary's address. I thought that there were Members who really were Members who really wanted to expound themselves

HON. A. E. BRYAN (cont'd.): ... to some great extent, and I still believe that they do, and I am hoping that after I have spoken that the two Members who have left to speak will do so.

First of all, Mr. President and Honourable Members, I'd like to congratulate the Financial Secretary on a speech well prepared and well delivered. I believe that this Budget Session of this House is one of the most interesting, one of the most looked forward to Sessions by the public because it presents to the people the state of the country, and we have read this pessimism in it and although it has been described as somewhat gloomy I don't take it to be as gloomy as what some Members may expect it to be.

The very second paragraph of the Financial Secretary's address speaks of the world wide economic recession that has had impact on the Cayman Islands. Now it is true but I think we should be grateful that it has been no worse than what it really is - it could have been worse. We have not been hit as hard as many of the other territories in our area. And here he speaks also of us having to use reserves which we have had. Well, this is some what not desirable but at the same time this is really what reserves are for - we save money as in other said for rainy days, and this money of Government's was saved for a rainy, and the rainy day unfortunately was hit on so we were compelled to use it. But I am sure that the same way that these reserves were accumulated in the years past in the years ahead more will be accumulated again. I do not subscribe to putting away money and/[illegible] as much supplied. And this is just the way I feel about the Islands. If the money was spent to good advantage, which it has been - I don't believe that it could have been spent in any better way than to provide the amenities - the machineries for the people of the Islands, and so I am satisfied that. The money that has been spent by the Government, even though it was the reserves funds, has been well spent to provide the needs of the people. This is what the money is for - it is not really to stack away and have it or to say that we have so much reserves and then we shall not be putting in the common amenities for the Islands - I think this is what has gone on for very long in this Island, and we've tried not too long to get along on our/little earnings rather than going out and borrow what the private sector has been borrowing money to finance projects - we've aborted this and I am sure it will come to a successful conclusion.

Much has been said about the spending of Government, but yet I note that Members still advocate more spending in providing new services. One of the things that I must say struck me terrifically was that we should have an [illegible] attack on our Navy - I believe that Navy enough to intercept boats that come around our shores who are suspected of dropping off [illegible]. I wonder really if Members realise what we would be going into. I wonder if Members realise that this is a job for the Royal Navy, and we should not try to take this away. I wonder if you realise that someone would eventually get hurt in such an exercise. There is only one country that I know of this where a thing like that and keeps people away from it, and that is communist China down in our region here - because sensible as I remember when I went to see myself we usually sail right up close to the coast of China, today I understand, although I haven't been any where around there for many years. I notice that they give it a wide berth and they never even use the Island any more this in fear of being intercepted by their navy or this cannot control whatever they call it. So somebody would get hurt or dead in an exercise such as this. I would think that Members should concentrate on recommending to Government that a shore patrol - that is a patrol on the coast of our Islands should be much effective than having a navy to go out to see to chase down and arrest people of smuggling drugs into our Islands. [illegible] Mr. President and honourable Members, I believe has been over exaggerated - now be I don't know so very much about it - don't even know what ganja looks like, but I know grass in our main lawn, I think that we are talking about, and is really a luxury we have inherited from humans. This is the plant I think that comes from and I feel like

MR. A. H. [illegible] (cont'd.): ...s/pretty well under control. I am surprised to know that it was considered necessary to set up a special drug department in our police force, I thought that this certainly could have been handled by our police themselves - this no doubt will be an extra expenditure on Government. What I am saying, Mr. President is that although Members disagree with the Budget with the expenditure - it in a way it was left to look like they could really have done what this present Government has done. Government is always reluctant - I know it has been during the time I've been in the position I am in now - they have always been most reluctant to introduce any measures which will have new tax revenue, but this because a necessity arises and one just can't get out of it. I don't feel like what we have done will ever burden anyone and I regret like it will sometimes realize what the people as a whole in the years to come will be very happy about.

The economic recession here in our Islands if one listens to Members talking would think that planning had caused the whole recession, and I won't say very much on that because there is a Member who will speak on this I am sure who knows a lot about it, much more than I do, but I would just like to remind the House that the economic situation in our Islands was not brought on by the development plan which has been taking the construction given for the Islands. Surely the United States haven't introduced a development plan nor is there most of our recession has come from.

Mr. President and Members, I'd just like to say I just/don't speak as much or less the subjects which affect me and which I am responsible for, I won't delve into any of the Members' subjects because I know that they are quite capable and able to handle them.

Electricity rates has been one of the subjects of this House not only in this session, but for a very long and although Members have been told that Government is doing all they can about it it doesn't seem like Members are satisfied with it, but just let me say that although the rates are high - we know this - Government has this under consideration - it is in the hands of people who know more about it than us here and when we are ready/prepared as to the next step we should take I think we will be told. The Caribbean Utilities/it doesn't has suffered great losses in the years gone by and they have made great profits before the fuel prices, but when this was brought to Government's attention during the negotiation of fuel Government took steps to make sure that they were not over charging for their electricity, and so he has been told to this House that Government had put this in the hands of an expert and what/ever we I said more about it than we do, and when we are making request/they seem to have a re- report on. But the company since the fuel price went up did lose money before our increase was given to it, and they were permitted/allowed to retain/ brought them out of the red. It was thought that after this increase had been gone through with there would be a decrease in the price of electricity. Now we still think that this may be possible, but again we hear that the price of fuel has again risen, and the outcome of this is uncertain as to just what will happen. I would/like to reply what the Member said about an undertaking that was given to this/my Government that if there was an over charge for electricity rates that if Government would undertake to have the company refund it. I don't think this is what was said - what was really said was that Caribbean Utilities told the Government that if it was proven that they were interest in introducing the additional/seven per cent that they would be prepared to refund to the customers any amount that was over charged to them, but Government gave no undertaking that this would be done by the Government. However, this has not been the case and so as I said how future rates we don't/yet what is going to happen. I think that there are questions being put forward by Members on this, and no doubt there will be a further discussion on this when the time comes.

I would like to say too that I've had something like, I think it is over twenty questions put to me/the Member if the Member believes that I am going to stand here on the floor and try

HON. H. R. ELSE (YKHM): If Members ask me answer their questions individually they tend to be very much disliked I don't intend to if the questions are put in the proper manner of the House I will answer them.

Too much was said too about the Administration Building - I think in the very early stages - it was called a glass cage. Well Mr. President and Members, it is a glass cage it is a big one, but it is a very expensive one and I can tell you as I said in the opening of the debate I am proud to know that Government must have a building like it - I feel proud of it and I am sure most of us, and I am sure all of us in fact feel proud of this building even though we may not say so. I think mention was made of it being of glass - that it would take an enormous amount of electricity to cool it off. That is not so. In fact its as I said I believe in the opening of the building that it is a special reflective glass that this building is surrounded by, and in fact it takes far less electricity to cool this building than any of the others. I won't go into the figures exactly of/it takes to cool the building off, but I just want to say that it takes much less than even the Courts Building, that is taking into consideration that the Courts Building for instance is just about one third the square footage, and it takes more than half of the amount of electricity that this building uses. So this is by the way, no doubt Members will take this/Committee stage.

Now the furniture was described as something extravagant and I don't know what really - I don't remember exactly the description that was given to this furniture - it was elaborate furniture I think they said - well usually it is nice furniture there is no mistake in that, but it is a lovely building and it should have lovely furniture. Have any of you ever furniture like this in some Legislatures or any where you have been - I haven't so we can be called extravagant as well but it is the very best of furniture that was possible to get, and/surely Government had put - for as my own feet furniture in a two million dollar building we would have been using Swiss cheese because in a few years, a few months I should say it would have all cropped up pimples and we would be compelled to find ways and means of getting new ones. It is nice furniture, and not all like what I've heard one particular outside describe as old wooden desk which is going to drop to pieces in a few months - this is not so. If any of you would like to come up in the Executive Council Members offices you will see him/for the same - it is beautiful furniture and it is something that every human being that owns them can be proud of and know that the Government has done its best to provide the best for the people of these Islands.

Now the contracts of Government I heard mentioned here Mr. President, and some Members are very much dissatisfied that all the contracts that Government enter into, in fact almost every business, everything that Government enters into is not brought to this House and laid on the table. It is not the practice of Government to lay contracts with private companies or individuals on the table of this House, and I think this has been taken up and Members have been told that if they want to see these contracts they could go to the respective offices who have them/and they will be seen by them. But I must say that I know that has been quite clear to Members not one Member as far as I know has ever given to any one of the contracts which they think so much devil about. In fact I think - I don't think they really want to see them - I think they just want to have this way to let them be brought before this House. I want to assure Members that the contracts in/of the table of this House is common public, and therefore it has all been the practice of Government to do this and I don't think it matters to this way. There is nothing hidden away in the contracts that Government / whether any Member of this House is seen or any body else. The contracts are made with the best expertise available, and they are quite contracts when though I have to tell you that because

Hon. A. B. Bush (Cont'd.): I have seen some of them. I don't know what plan one could expect to be put in a company.

Now the four big projects, Mr. President and Honourable members, which have been undertaken by Government; I spoke of the Administration Building which has been completed, and which as I said I think you all are proud of, and I'll go back once again on this place. As I said it is a special reflective glass and all about the heating - the amount of electricity that it would take to cool this building all in a tropical climate - these were all taken into consideration when this plan was accepted by Government. The glass does reflect the heat and it is not as hot, or at least we say no hotter, in fact the figures prove that it is even cooler per square foot than the buildings which we have now. But this place, I want to say to you I know that is also - I heard this outside and Mr. Minister has expressed this in the House, but I heard him outside that the hurricane which we experience here in our Islands from time to time will blow the building to bits. This is not the case - this glass is a special type of glass and it is made to withstand hurricane winds of one hundred and twenty-five an hour, with gusts up to one hundred and fifty. It has a bearing strength of forty pounds per square foot. I understand from the architects that the floor of any building is only designed/fifty pounds per square foot. So you can see that the glass is quite strong. I am not saying that it won't be blown away, but I do hope that we never have, and I hope we pray we never have a hurricane of such severity to damage the building, because when this building is damaged there are others that will be damaged as well and why be some of us won't even be living in our own homes. So it is just as good in strength - it is more beautiful. When you go to Ireland and it is quite as far a long time before it is duplicated here in our Island.

The dock facility - I was reminded that this is the biggest undertaking of Government - it is the greatest project that Government has ever undertaken, and this/true. I didn't realize this until I got here once again. It is the biggest undertaking that Government has undertaken, and we do hope that this when it is all finished will be very pleasing to everybody. There is a lot criticism about where it is the location of it. But it was impossible for Government to have considered financing a dock anywhere else in the Island. We heard about the various sites that was proposed for this facility but when we looked them all over Deep Bay was the only one that Government could undertake. My President as has been said in the Financial Secretary's statement, that the dock will cost us something like four million dollars if we complete it, and I do hope we will because it is very hard to project - it should have been done long ago, and many times I have gone down in the old dock, and have been criticized by the people working there. Look at the conditions today/at the weekend - Government won't provide any docking facilities - how do you expect ships to come to our Island - everybody I believe said this. But yet when Government undertake to do something to improve the dock facilities of the Island there was great criticism because we did not go in the Great Bend or we did not go in Half Bay - places that would have cost - one would have cost thirty million, the other fifteen - I/don't find fault with them where are we going to find facilities. So this is the reason why it is here, and I am sure that everyone when it is finished will be very proud of it.

Caribbean Development Bank were so impressed the other day - most of the survey - we have to find a lot of it ourselves - they, even complained that they think it should be - so if we are thinking wrongly others are doing the same thing.

Now I would like to tell you about the progress on this. I know it was great applause when the Chief Minister spoke and he referred to the situation. We didn't expect that the building of the new dock would prevent the Northeasters from coming, but what we do expect is that the dock we are building will withstand them

Hon. A. P. JOSEPH (CONTD.): It prevented the work from being carried on and put it back a couple of weeks because just when everything was prepared to lay the blocks on the bottom - the first tier of blocks on the bottom is done down, and has to be done over again. But I am happy to tell you that as of Saturday the blocks have been going down on the bottom and the Northwest corner - the first tier of blocks - that is the foundation on which these other blocks will be going have been laid. They are now starting on the marginal pier and I hope that by the end of this week you'll see some of the blocks coming out of the water, and by fall will be placed behind it and then there or you will see great progress on the dock.

Now the road programme.- Mr. President and Members, I know it is a very public difficult job to convince Members - certain Members that we will never get any better roads. Because I've heard this, but if Members could just stop a while and consider and take into consideration the state of the roads in the years gone by, and look at them today one would realize that there is very little that Government can complain about so far as the roads are concerned. We had some heavy rains last week, and the week before which really played havoc with the roads. And as I said here in the House on the increase in the traffic density and the increase of down or minor care that we hope to have this cancelled very soon. We know that there are still bad sections of the road, but we know that we have done sections of road that are equal to any of the roads in any part of the Caribbean. My Principal Secretary, Communications and Works had a trip recently at a conference in Grenada and he said what he saw back I would have liked for you to have been there to see the conditions of the roads in Grenada, he said that our worst roads are better than the best roads they have there - you should see that then you would have something to complain about. Well I am sure Mr. President and Members, that within a year from now there won't be anything for anyone to complain about as far as roads are concerned. We have the equipment and we are continuing with the work of our six Asphalt, and I hope that we will continue to find the money to keep this operation.

I realize from years ago that the type of surface that we were putting on our roads was not the proper surface that we needed to handle the increase in traffic. I have said this many times over and time/why when the decision came as to what we should do with roads for the future I recommended to Government that we do not adopt the same methods of roads building as we had in the past. Surely we could have built - the roads would have cost less and they would have lasted for five or six years. But after that what - then we would have to go back over it again. This was what we were doing before. We built what we considered was a good road at that time, but it could not stand up and it will not stand up to the traffic which we have in the Island today. I argued this very point with the team from the Development Division who came here and talking the matter with that there wasn't enough traffic to warrant but six asphalt roads. I said well I don't know where you can be looking - he said you'll need two thousand cars a day - I said if you look in the town here you will see two thousand cars per hour, so I said that is my criteria for not having better roads. We have these we are going to/that this is the decision that this Government has made. I know that many have said that we should not have Caribbean in by the Public Works Department, but again the mechanics of it I am sure in the loop you will prove to many Members here and everyone else that this was the right decision to make. We could have had the roads built by contractors, but they would have cost us half the amount again, and this is the reason why we undertook it -Pub ic Works Department because we realize that we would always need to build roads. Times as we go up with this. If we finish one today there will/be no project for another one to be opened tomorrow and I can't tell you how many requests that I haven't got to do something about roads for the different people, which is impossible to do at last

HON. P. T. MOSS (CONT'D.): do it because they are not really Government roads. When again we have the subdivisions which as well soon have to take over some day or other, and the equipment that we have will be ready to do all of this when the time comes and when the money is available. But what we are trying to do right now is to surface and re-surface the existing roads which are the principal roads of the Islands. When this exercise has been completed we will go along on the other roads.

Now although we have embarked on four big projects we have completed one the Administration Building. We are well on the way with the road programme and the dock repairs, but we have only completed the first phase of the airport development - this building - I don't believe should be overlooked by the Legislature here. Because although we have made some improvements there is a great deal more to be done. Unfortunately Government had to buy the land - this is quite costly, but the necessity of a terminal building is very great and I hope that during the coming year we will find it possible to do something about this. I hope that it will not remain for the distinction to rest upon me that happened with the old administration building, because this could/should have happened any time. As you know it was a building that was never intended for a terminal - it was made to house the people who came to work on the first airport to be built in the Islands, and it has been taken as a terminal building and has gone from time to time it is in various maintenance - it is very crowded and sorely in need of something better for the Island in the future - I do hope that this will be so - it will be something that we really need and I am not saying that we can get this all/like the type of building that we have in mind, but I do hope that a start can be made on whatever part of the work and keep going on until we can get what is absolutely required for the Island.

Mr. President, I am sure going to be as long as other Members, I know during the war years we had speeches by the war leaders I used to listen to on the radio lasting for an hour but business in this Legislature/Mr. Speaker have lasted for a whole day. I never thought that they could talk that long, but they did and I am glad to know that they found something to talk about - I am glad to know that the Transport Secretary's address was so controversial that it made them talk the whole day. I hope also that the new year will come in more brightly - prove to be a much better year so far as economics is concerned for the Island. I don't think we should be alarmed - I think we should realize that this is an Island. It has a Government - it has people and it is we know that it is from the people that Government gets its revenue, and we are considered a prosperous Island - everybody wants to come here - I don't know sometimes I wonder myself why do they want to come here - they say it is for the peace and tranquillity and for the prosperity of the Island and the friendliness of the people and the good health Government which we have - good clean politics - let us hope that it never changes - let us hope that it keeps going that way whatever we can always stand improvement, of course. But I have always said that of all the Islands in the Caribbean I like this one the best. Not all together because it is my home - I must tell you I went away from it much when I considered that it was worth nothing, and I did expect to come back - you will say that face there we look here - I came back with experience from the outside world on things which were needed to be done, and this is really what prompted me to get in politics. I think the Lady Member from George Town and myself were elected to it this all at the same time, and I don't believe that since we have been in politics that we have done so very badly - I have seen the Island take tremendous strides - we have provided places for the people on the Island that never never have been before and the people never thought of, and I am sure we are going to do so in this way. I haven't finished yet my job isn't done as yet, and if I am permitted to serve again in this Legislature I will always do my best to provide the Island with what it needs - what

HON. A. G. ROSE (cont'd): it should have. So Mr. President and Members I will close hoping again that although we have deficits in our budget we know it is not the practice of this Legislature to pass a budget/[illegible] we know it is not the practice of the Government to present it, but at the same time there are times when it becomes a necessity in order for us to get the things we wish we can fully need. We have understood a great deal there is no doubt. But I am sure that the good determination in which we undertook these projects we will carry out to make sure that they are completed, and that the Island will receive that recognition which we are in, and that the next budget will show a surplus instead of a [illegible].

SPEAKER: Have all Members spoken who wish to speak on this Motion. Under Standing Order 19(3) after all Members who desire to speak have spoken the original mover of the Motion has the right to reply. I'll give Members a second chance, if there are no further speakers on this Motion I shall be obliged to ask the mover to reply, after which of course no Member has the right to speak until the question is put.

HON. T. C. LEACHE: Mr. President, there are just a few points in the estimates for which I am responsible that I would like to clarify, but before doing so I think may be a few general words regarding the budget now to be in order.

Much has been made of the deficit that is facing the Government in the new budget. We will notice from the Budget that this is just a little bit more than a hundred and fourteen thousand dollars, and it is possible that if things improve during the fiscal two months of the year this will be reduced even more, and then is after having budgeted for a deficit of forty-eight thousand dollars which means that Government was able to keep its spending well within the figure budgeted in relation to the rate we must fall in accepting not only was there a short fall in revenue, but there were also some savings in expenditure. This is always possible as Members will appreciate, and this I am sure would be the case should 1975 not live up to expectations. But as other Members has said I think that we should be very grateful for how these Islands have fared during 1974, during a world wide recession. If Members have been following reports they will know that in very developed countries, states and cities they are in a much worse situation than we find ourselves.

Last year when we were debating the [illegible] Budget I defended the position then that Government was embarking on capital projects, and I have no reason to change my mind this moment on that. So also what I said then that Government not been spending money on capital projects in 1975 the economy would have been in a very bad situation indeed. That is employment for the ordinary working man.

Now I have no intention Mr. President, of going over somewhat wordy criticism that was made. It is obvious that Members were either deliberately covering and attempting to muddy the water, or they were misled in their knowledge. To one colour the example we heard Government praised for the expenditure in Agriculture, and then when it comes the time speaker to be told that everybody knows that agriculture is an important industry in the Cayman Islands. This was when he got down to belittling the efforts of the planning having gained certain areas as agriculture.

But in spite of the world wide recession, and in spite of the charges that have been made that the development plan has stifled development in these Islands, and in spite of the charge made by Members that confidence is lacking in the Government, and [illegible] was responsible for the recession in 1975 in the Cayman Islands. It is not difficult to disprove these charges when we look into the statistics. We see that over nine thousand new companies were established in the Cayman Islands during 1975, this is a recession year represents just little short of one third of all of the companies on our register.

Mr. D. B. Cousins (cont'd): Banks continued to register at a fantastic rate, and we are right to boast at this time of having on our register of banks the world's largest financial institution. So this is my mind Mr. Speaker proves that the country still enjoys the full confidence of the financial institutions and centres around the world. It is true that in certain areas there was been fall-offs, but I think that one will never see a return to the number of and value transactions that we have seen in the past. I believe that point in Real Estate have reached the point in Cayman where speculation is out and anyone who buys land now is buying with the view to development. And 1974 was not a year that was conducive to private development, it was a year of scarce capital, high interest rates and high inflation in the metropolitan countries. So it was not conducive to real estate development.

Our Member quoted the fall in foreign deposits in the banks as sign of a lown in confidence. Now Mr. President, that is a ridiculous charge to be made. I think that I would suggest that if an analysis was made statistical first happening at the moment, and over the last several months has been that because of the revival in the stock market in the United States persons who had liquidated their holdings in stocks and shares placed them in cash and now speculating the stock exchange, and as one banker said if you buy an ashtray you can't have cash, well if you buy stock you won't have cash either. But take away from that there is a loosening up of a total portfolio held by these persons in the Cayman Islands.

The Member for Cousins has also registered that in spite of this recession year we are near level at the moment with last year's arrival of tourists, and that he is confident that the year will go out with an increase in arrival. Now this is something I don't believe many Caymanians in the Caymanian own heads of, and I think this can only be attributed to the peace and harmony which exists here, and overall confidence in the Island.

I realize that the execution of the development plan is the mandate of the Banker introducing this Bill, Mr. President, but there are two aspects of this that was mentioned and closely touching on this is the principal there was also another statement where it was expressed by some Member that all those persons qualifying for Caymanian status be granted this without any delay. And I would like to touch on those two subjects because that is the one which the Member regards as an inducement, and racial interest policy. I presume this reference to the population policy in the development that. I am not here to argue the merits or demerits of the physical plan anyway, but I must, Mr. President, defend the population policy in the plan, and make no apologies for that.

Caymanians Members were accused of not coming out of the glass cage - when - the new administration building - and getting the feeling of the people. I can only say that any Banker who can advocate an open door policy to immigration in these Islands is really out of touch with reality, and with the feelings of the people of this Island. There is no doubt that Caymanians are among the most friendly and hospitable people in the world Mr. President, Caymanians are human beings, and there is a point beyond which no society. Cayman included cannot absorb persons on a permanent or even temporary basis from outside without reaching saturation and thereby social disharmony. And I believe that the 3/4 of sixty per cent Caymanians to Caymanians that have been set in that valley is the warning that one should use for at this point. Naturally we can quibble over numbers but because if Caymanians were to retain hope, or if there was a large upsurge in the natural increase of Caymanians, well then the sixty per cent non-Caymanians would be increased correspondingly. But I believe if there last year should have thought us anything, it should be that when the chips are down, when employment is at stake Caymanians first think of themselves, and they demand their right. If we have to

THE HON. D. KIRKCONNELL, Continued: I am on the grant of Caymanian status and grant it when persons have been living here for five years, well then we may as well not have had the Caymanian Protection Law. Because that is the condition that prevailed prior to the coming into effect of the Caymanian Protection Law. Once a person was resident in the Cayman Islands for five years they were deemed to belong to the Cayman Islands - that is once he was a British subject - he was deemed to belong to the Cayman Islands and gave the same rights and privileges as/person born here. And this is the matter I think that certainly gave us more problems explaining to constituents during the past year of low employment than any other problem. That is that those persons who were here the five years prior to 1970 to 1971 whenever it was were belongers of the Cayman Islands, and there was nothing that one could do about it unless those persons committed some offence, and even then it was almost impossible to do anything about it. They were deemed to belong to the Cayman Islands. But the average person who was here to grasp this and all they are concerned about is that/the extent they know that he was not born in the Cayman Islands, and they cannot that he/she was concerned not as favourable as themselves.

Now I have said all of this, Mr. Speaker, to say that I believe for a healthy society to exist, we must have a situation where everyone who works and settles in the Cayman Islands is made to feel at home, he is made to feel a part of the society, and this can only be done when persons are allowed in an orderly that can be absorbed by the community/as it now exist. It is no use of one or two persons who are broad minded enough to see the position a little different by saying well let the rate of development we are going to allow as many people as would like to come in to come in. Because the majority of our people do not see it this way, and we cannot sacrifice social harmony for a just-quick-policy.

That was part of the fear that Government has embarked on the road of financing development projects by loans. Mr. Speaker, as a previous Member said that if we had to sit down and wait until we could/now pay for everything from accumulated reserves the people would be getting all that they deserve, all that they are entitled to and certainly not all that they want. But the public debt of the Cayman Islands is no way alarming at this point - it is well within the accepted figure that is the repayment of these loans - is well below the acceptable percentage for developing countries, and as our budget grows this percentage will of necessity decrease. And there is no way that we could have undertaken the major projects which we did during 1970, and are continuing during 1971 without going out and borrowing money.

Now Mr. Speaker, I am going to deal with subjects that I am particularly responsible for, and at this point I want to thank Members for the bouquets I think gave me than call them, or garlands or whatever that were thrown at most of these subjects. There were a few matters which I would to clear up. I believe one Member who he said that something is wrong with the comprehensive system was answering the votes that he had last year. Certainly the results in the examinations on the comprehensive school this year have proven beyond a doubt that the system can work. This year was the first group of children who went completely through the comprehensive merge in the examination group this year, and there can be no denying that it is obvious that the academic stream can come through on the system. Naturally, we're looking forward to better results, the school had many teething problems, but there is no doubt in my mind and as last other Members have said that the system is functioning now.

The hospital - one Member mentioned a report about the new incinerator being connected with noisy pigs.

HON. B. O. EBANKS (CCCD.): By the consent of the Member and of others, Mr. President, I would just like to say that this was a special earthquake designed for such purposes, and it is by no means worn out. I think you will have seen that the incinerator worked well in the burning of the large amount of garbage that was found on the Bear property.

Some mention was made also of the grounds - well whenever building is going on or a site the grounds are a bit untidy, and in addition to this there are I know branches being dug to look-out the existing buildings. That is the effluent and human waste to the new sewerage treatment plant, and/cells for excavation. It is also necessary to carry water to the new modular, this cells for excavation and this work is going on apace, and the grounds are certainly not left wisk of. We hope that when the plant for the road gets in town we may be able to get some paved parking areas and so on there.

A Member mentioned about the grounds at the school - the reading of the grounds and hoping that this would be attended to. I can assure Members this has not escaped our notice, and that this is provided for in the year's estimates. I can understand why this was not readily noticed by the Member because I think on page 288 the vote is given there explaining really what the money for 1975 representation, and not the 1976 allocation. But this year we plan to build a covered between the buildings, and to improve the drainage so that we can move about the school without getting wet, but it was difficult to make this before we had an indication of what the full building programme of the school would be.

Mention was also made of how obviously that was recently brought to the Island on the school meal system, and some Members thought this was unnecessary. We actually did not bring the person here to tell us what to feed children with. The service that we sought to find out the most economical way - the most practical way of introducing a comprehensive school meal system in the Cayman Islands. The fact that what goes into the tea has to be taken into consideration comes into play because of the method of preparation, and strange that is mentioned, and of the deep-freeze. I don't think that we will have to go outside of our normal supplies in the Islands to find something that will work, and work well for the system.

Mention was made, Mr. President, of hopes for a Social Security System for the Islands, and I think the comment was made that we don't have to wait on experts to tell us how to get that going - that we want this made in the South American or Scandinavian plan. Well if what I have been made to understand is correct the last one we want to model off is the North American plan. If my information is correct it's been in existence for forty years and it is estimated that anyone who is now forty years of age can't live to collect a penny from the system. We want ours to be more durable than that - we want it properly and actuarially based, and if this is possible we will have the system. We are already looking into this, we've had one report and we are now awaiting the report and advice of others who were recommended in that report. But this advice or thought.

The question of new laws regarding Parent was mentioned, Mr. President. I think the law which was passed through this House at its last session - our own Juveniles Law has gone a long way towards eradicating a lot of the problems which existed in dealing with juveniles in the Islands.

There is just one final comment I would like to make, Mr. President, and that is I would like to assure my colleague from West Bay that the remarks of the common minds in West Bay have nothing to do with the establishment at this time of a Commercial

HON. R. O. SMITH (cont'd): ...arden. I know that there was a lot of confusion around this point of the debate, but really what happened was this: that under the Towns and Communities Law and under the Municipalities Law Government pays pensions or individuals to clean their own property, and it seems only reasonable that Government should keep its own property clean as well - so this/why that land was cleared - once the Cadastral Survey had been completed and we were sure that the land was really common land an effort was made to clear it.

Mr. President, I am sure the Members leading this debate on this Bill can answer the other points that were made very well, and I will not delay the House longer. We will have an opportunity to examine at length and detail many of the points that were raised when we go into the Finance Committee, and I am sure that in spite of the insinuations given from the other side that the moment I sit down they'll be scrambling to get to their feet - so I'll give them an opportunity to get started, Mr. President.

MR. SPEAKER: I am going to suspend proceedings until 2.30 P.M.

SUSPENSION

RESUMED

MR. S. FALE BODDEN: Mr. President, on Thursday of last week the First Member from Bodden Town spoke for the whole day on the Budget, so it follows that there very little for me to cover, but there are some areas in the Budget that haven't been touched upon yet, although most of the Members have spoken.

This year we see Government presenting what I call a stretch target budget. We are trying to stretch the revenue to cover the expenditure. We have gone out not only this year but in the year immediately preceding to find large economic projects, and now we are stretching the revenue to its utmost to cover these projects. We should not be doing this - as a small territory we should be embarking upon budgets which can only be carried out within the limitations of our revenue. It is true that this budget like the two synthetic materials can bear a lot of stretching, but there ultimately must come a time when the rubber will break. The catastrophic decline in economic activity in these Islands has been influential in this year's budget. Concealment by key entities has helped to bring about this decline.

I feel that the Budget Address should have opened with a strong and positive statement that Government is now going to tolerate economic growth. The reason why I am saying this is because Government has recently put forward a plan whose only aim was to control economic growth in these Islands, and unfortunately this plan came at a time when we were already in a recession. And so the aim in the plan only helped to escalate the recession. We have a planning authority whose attitude we do not mind they seem to be determined to stop building programmes at what ever cost. They seem to be determined to delay re-building programmes until that grant and trust may when the Development Plan 1979 should have come into law. The Government's Development Plan, together with the restrictive policies of the Planning Authority coupled with Government's policy of increased taxation have brought all economic activity to a halt. These attitudes have dealt a crippling blow to our economy - no country ever raises taxes during recessions. Perhaps it may be done in the communist countries, but in the free countries of the world no Government increases taxation in order to help a recession. As our Government needs to make a right about turn if they expect to save the Islands from economic doom.

Our Government over the last three years has been blatantly selfish, they have been maintained by their own

MR. G. HAIG BODDEN (MTRADE): millions, but they have been flatly wrong in many of their actions, and I say that Government has been selfish because the Government bench refuses to consider any ideas that see thrown across the floor from this side of the House. They have been selfish in this attitude. Their consultants have given them wrong information, in fact we heard a Member this morning from Executive Council tell us how wrong the consultants were when they were giving the advice about the road programme. The Member from Executive Council told us that we did not need a Seven Mile road. That might only be needed if we had two thousand cars on the road in the days. And I am glad that we have a strong Member for Communications and Works, although he may not always be right, but glad that he has a backbone and that he could stand up to the consultants and tell that test we could have two thousand cars on the road in one passing rather than four thousand. That we do have four thousand cars that could be available, as could be at the ports.

So we do need the type of road that Government is building. But apparently the consultants did not know this, and I am glad to hear one Member acknowledge that Government does not always receive the right advice from its consultants. The consultants know about road building, but they don't know anything about the Cayman Islands, and they must first learn about the terrain and the topographical features of this Island before they can presume to tell us who is right and what is wrong.

While we are on the subject of consultants and the road programme, I must mention the canal that is being built on the Red Bay area no doubt at the advice of consultants. Government was right to try to straighten out the big turn at the junction of the South Sound/Red Bay/Bodden Town road. There have been many accidents there, and Government endeavours to straighten it by putting a road further to towards Bodden Town to cut out this turn. But since embarking upon the work they have found out the area through which this purpose road is going is nothing but a swamp. Now will Government continue to put this road through - will they follow the consultants advice and put this through despite the facts that are staring us straight in the face. This new process of road work now will cost ten times what it normally would have cost if this place had not been flooded with water. I am glad to know that they had enough sense to get the heavy equipment out of that area or else they would have been stuck. It is good to straighten the road, providing it doesn't cost too much - when the cost is greater than the good which we will do - we should not pursue the job. If it is costing too much we should not follow.

Now I can admit that a little canal in this area would have been a fine gesture - it would have been a conservation factor for the canal which was proposed under the development plan. I can see that the Member for Communications and Works would really get himself in good books of the planners if he put in in Red Bay the canal which was designed for Prospect. But would the Member be acting rightly, would he truly what is right and would he be doing what is best for the people of these Islands if he should continue the job which has been started in this road. We can no longer continue this project no matter how many consultants tell us to do so because we do not have the funds for this type of work. I am not really talking on goods now I am citing. This simplies case to show that Government is often misinformed by the consultants that they pay. Now those part of my statement was that Government was "lazy" wrong in many of the services, and I will try to make that the concern thrust of my speech when I get to the main part of it, this is just the usual introduction.

A few years ago the ordinary people in the Cayman Islands thought that if their wages could be doubled it would be the

MR. G. MAYNARD MOSSEY (Liberal): greatest gift that God could give to man because in those years we were busily working. It was hard to make two ends meet - the people were living in the shadows of unemployment. But as soon as it happened that wages were doubled and that people were able to live above the bare necessities of life then Government stepped in to cut down on the economic growth which had brought about the prosperity which we now enjoyed. They did such a marvellous job of stopping the economic growth of these Islands that now wonders whether days of Cayman prosperity are over, and whether the days of hot adversity have begun.

Last year's budget helped to put this Island in the dilemma it is in - because last year's budget was too big. I stood here for about two hours in 1974 and the topic of my speech was - the budget is too big. In fact the newspaper carried the headline that week saying that Vassy Bodden said the budget is too big. In discussing the 1973 budget I was one of those Members who said that it was too much for Government to embark upon four major projects at one time. I was somewhat reticent at the time, and because it was my first budget address. I usually also believe that I had talked foolishness, but subsequent events have proven that I was right. I remember saying during the discussion of the 1973 budget that we would have to borrow money, and we saw a loan bill put forward asking to borrow money, and I said that if we borrowed at the rate we anticipated we would be faced with a half million dollars just to pay interest and here again I was right. For in this budget before us today I see a figure in excess of a half million dollars just to pay interest on the money which we borrowed. So last year's budget and the few years preceding that have helped to bring us to the state we are now in.

In the budget address I spoke about our gross domestic products - in fact every Member seems to mention the gross domestic product - the Finance Speeches have covered it - Government's statistical Officers and Sir Vassy with it, and we seem to be hooked on gross domestic products. In fact we have no basis for believing in the results shown by analysing our gross domestic product. I am here to tell you this evening that the fluctuations shown by gross domestic product is all well and good if we circulate every item in our total welfare. But when we take a few isolated cases such as the hotels and restaurants and banks - we do not get a true picture. When we take a few studies carried probably at the suggestion of United Nations; we do not get a true picture of our total welfare. So it is time that we wake up and we realize that our gross domestic product is not everything that matters. It is true that when ever there is a rise in the gross domestic product you will have a corresponding rise in our part, but the gross domestic product is only one of the components of our total welfare; it is that part which can measured by the movement of money.

So because the gross domestic product seems to be good we must not believe that we are pulling out of a recession; we must not believe that everything is going to be well. So if we do not know what our total welfare is like why not admit it. Why believe that we know the state of our true welfare by the readings from a gross domestic product chart. To give one example a survey done by United Nations might show, or rather it cannot show whether people are happier now than they were ten years ago or a hundred years ago. What a survey might show is whether people believe they are better off now than they were ten years ago, but it cannot really show whether they are happier. So in the same way our gross domestic product shows the trend about only one part of our welfare; that part which is measured by the movement of money. And I might this by saying that if we're going to judge it by the hotels and restaurants trade we will a totally unreliable appraisal of our total welfare.

MR. G. HAIG BOODRAM (COUNTO): Speaking as to the hotel industry the Budget Address mentioned the biggest problem facing the tourist industry here is the shortened length of stay of the average tourist. They are quite correct. If the temperature continue to go cooler numbers but staying for shorter times we do not really get an increase in revenue, and it is time that we examine the tourist industry and find out why the tourist is cutting short his or her stay; if we had the answer to that the Member for Tourism would have no more problems.

Sometime ago the tourist would come and would stay for a long time - I do not have that statistics on this - but the fact is today the average tourist is not staying as long as he used to stay. What has happened? It may suppose nothing has changed here our beaches are the same our waters just as clean our people just as friendly, the hotel beds are just as comfortable - why are they not staying? Only one thing has changed and that is prices. The food is just as good, the liquor is just as sweet, and the entertainment is superb, but the prices are unbearable.

I have attended every sitting of this Legislature since 1978, and every time I have seen here this Assembly has increased the prices of everything in these Islands. And sorely every time we hit the tourist industry with higher prices. Just take one look at our customs setting - lets take just one look at last week's work and you will see what we have done to the tourist business. We have increased the travel tax, not by much just a mere twenty per week, but it comes out of the tourists pocket. We have instituted a new tax - a tax that never existed before - that is the tax on the cruise ship passengers, and we've done this at the time when we are just beginning to get one cruise ship per week. Many of the Islands in the Caribbean have seven cruise ships in one day and we are not even sure as will one one week, and before they even begin to land, before they even take the first step we have whipped them with a tax.

We have increased the cost of motor cars, we have increased the taxes on cars this will certainly hit the tourist trade this year, and this was done at a time when one Member of Executive Council said that the prices in Detroit would be up - that was done at a time that the price of gasoline was up in these Islands and we must not only increase the taxes but we must increase the import duties so that the initial cost would really hurt people in the car business and the car rental businesses. One taxi driver told me during my lunch interval that he was told by a certain influential person - (I won't when tell you the person's occupation) that he need not increase his prices. But can it be expected that the taxi driver can absorb all of these increases and all of these taxes and still operate for what he was operating for years to last week. If he can do that he was making too much profit in the beginning, but I doubt that he can. So we have put up the taxi fares, we have put up the car rental fares.

When a tourist comes to this Island apart from the hotel bill and his meals his largest single expenditure is transportation. We have struggled all year to increase the taxation figures for taxicabs and the picture it begins to show a little light in the darkness we have gone and increased the cost of transportation. We have increased, and I am dealing specifically with the items that will hurt the tourist trade. We have increased the duties on alcoholic beverages. It is true that the increase was only a small percentage but nevertheless it was an increase. If my memory is correct the increase on a case of alcohol is probably just about three dollars or a two dollar case, but it is an increase and somebody has to find the money to pay that increase, and I don't think it will be the tourists. I don't think it will be the hotel managers, I believe that it will be borne by the residents of Grand, the real consumers.

MR. A. HAMILTON (CONTD.): While the increase in alcohol is very small it is vital to the trade. I will be dealing with this in detail when I come to the new tax measures. The increase in alcohol is because we are taking away the preferential duty from Commonwealth countries. Although the differential was small most of our spirits came from Commonwealth countries, so it has to have its effect on the trade. We have increased again for the benefit of the tourist I suppose the cost of gift drinks. Most of our American tourists seem to prefer Commonwealth drinks - the Bacardi & Cuddy drinks, the Schnapps - they are all high quality drinks, and in great demand by the tourist and we have increased the import duties from twenty per cent to twenty-five per cent, thereby increasing the cost of this item which is a staple item in the diet of the average tourist.

We have increased the price of all malt liquors, and for our South American tourist they seem to like our Red Stripe beer and our English stout, and then recently has again increased the cost of this item and in the ultimate figure it will be the consumer who will bear the cost of these increases.

We have increased the price of butter an essential item on the table of the dining room of a hotel, on the table of a restaurant. We have increased this item fifteen per cent to twenty per cent. This is one item which is going to bear the full brunt of the increase because it was the only item that is imported almost exclusively from Commonwealth countries. All the butter which we use ninety-nine per cent of it comes from New Zealand, Australia, and I believe even a little from Canada. So we have increased the price of this item.

The United Kingdom has just found out that one of the big mistakes in entering the Common Market was that they would have to pay a much higher price for food items from the Commonwealth, and their butter and cheese in entering more than any other imported item in Britain. Butter has been taxed by three hundred pounds per ton, and the tax levied on cheese is something in vicinity of three hundred and fifty pounds per ton. So butter and cheese in England because of their entry into the Common Market have been priced a notch out of the reach of the ordinary worker, in fact the estimate that by 1978 the cost of butter in England will have doubled. We have followed suit, and increased the cost of butter by eighty on it another thirty-three and a third per cent increase or terrif.

We have increased the fees for overseas business licences in these islands. This too is bound to have an effect on the economy in putting up the cost of his spending a few days here. So that although these increases may be small if taken separately the combined effect will have a pronounced effect upon the cost of living particularly for the visitor to these shores.

For all of these measures that I have talked about, import duty on motor cars, licences, taxes on motor cars, increased taxes on alcohol, tobacco, beverages, bakery, licence fees all happened last week in one sitting of the Assembly. In every sitting since the end of 1972 the cost has gone up some items. When these are put together it can be seen that today we are paying more for the services which we enjoy/because our own constitution came into effect in 1972. We are paying more than we did before we embarked upon this elaborate collective-responsibility-ministerial-system. So if our statistics reveal that we are getting more tourists but they are staying for a shorter time, it is only because the cost has risen. Every person whether he be tourist, resident or visitor has a certain amount of money for his vacation. If you have X amount of dollars you can buy a hundred items, but if you only have an X amount you can only buy fifty dollars - fifty items - so if you come here and you have used to coming here and spending ten days and you leave home and come here with the same amount of money that you came with .. two years ago you might have only be able to stay four days. So my conception is that the biggest problem facing the tourist industry is to try

MR. A. ERIC SWANN (CONTD.): to lengthen the stay of the average tourist and not only lengthen it but make it so good that he will be a repeat customer; because it is only when you get repeat business that you really enjoy the fruits of your labour. A repeat tourist is the icing on the good cake which our Number of tourism persons is build. But if the tourist found that it cost him more this year than it did last year, it cannot follow that his stay this year will be shorter than last year's. So we will have to show increasing revenue if we expect to work the shortcomings of the stay.

I have had the privilege of talking to many of the two hundred tourists this year, and I've never heard one of them tell me that the airlines was too soft, or too hard - I've never had one of them tell me that his coffee was cold on the morning, but I'm sick out of ten of them say as much as we could stay longer, and the reason why they can't stay is because we have outgrown their budget - find the prices will be prices to pay for them.

In this airline we have also increased the postage - this is not the work of the Members - this is the work of Executive Council - Members have no control over this and the increases are small - what does it matter if you put the price of a letter from eight cents to twenty cents - that is nothing that is only two hundred and fifty per cent increase, and it really doesn't matter if you look in terms of money - it is only a twelve cent increase, but multiply that by five thousand - the five thousand headdress that the tourist industry will call to attract people in the forthcoming year. So no matter how small the increase is it certainly has its effect. The Minister for tourism is wondering where I got my figures from because I said eight cents to twenty cents. The rate of U.S. postage is slightly better, that's only good from eleven cents to twenty cents an increase of only less than a hundred per cent.

We were told by the Member for tourism that we have confidence because the islands of the Caribbean is so saturated more than we have - he tells us that people have over-built because we had no good planning authorities to control it, and he said that they are closed because they were over-built - I tell you that simply is not true - that is not the reason why they are closed - they are closed because of stupid controls - because of high prices - because of violence in those islands that is why they are closed. We must no longer put ourselves on our backs, or get complacency also to put us on the back and believe that these are exemption special about us, and that the tourist will always flock here regardless of our petty, picky and restrictive attitudes, and complex our policies. In the area of tourism we do have some things going for us - we have as has been emphasized by the Member good beaches, warm weather and friendly people like us. But other areas of the world have the same things and apart from beaches, or as they say in the book of the Caribbean sun, sand and sea, our facilities are very limited - there isn't much night amusing - they can go over the whole Island in one day - we really don't have any historical sights - we don't have any Niagara Falls - we don't have any of these things - so that what little we have has to be handled delicately - has to be handled with care, and we must remember that we are now faced with severe competition rates are much less in some areas, airfares are less and all these things should be taken into consideration when we are fixing the rates which people have to pay, because as far I am concerned you can get just as good service in other places for less money. I wouldn't say that we are really charging exorbitant rates, but for the services we give in return there is some contribution to it.

The Member responsible for Tourism is also responsible for Agriculture, and I am making a suggestion, Mr. President, that next year if you're still here which you are allocating responsibility to the Members that you separate these two subjects. I'll deal with that in detail later on in the speech.

Mr. G. HAIG BOSTEN (Crown): Government has come a long way in shaping its agricultural policy, and in applying its attitude towards agriculture although I was told, I believe it was in a reply to the Throne Speech that Government has not really changed its attitude towards agriculture it has always had this favourable attitude that it now has.

The reason why we should separate Agriculture from Tourism is that a man cannot serve two masters, because he love the one and despise other. We have reached a stage in our development when agriculture is about to become a viable business demanding the attention of a Member who can give it his full time. Another reason why these subjects should be separated is that the two industries are in a manner diametrically opposed to each other, although both of them are good for the community and could well compliment each other if handled skilfully enough - it is very difficult for one Member to handle two industries that have such divergent interest. When we live in a tourist oriented society all the pressures are on to influence the cost of living to extract as much from the tourist as you can, and it is a fact that in every country not only in the Caribbean, but throughout the world that has catered to tourism the cost of living has risen.

On the other hand in an agriculturally oriented society the emphasis is on keeping the cost down. We are told if we want to be self sufficient, if we want to reduce the cost of living we must grow vegetables and other food crops including live stock, and this is true it has always been so. And because these industries are so different in the nature I think it was a grave mistake to have put both industries under the portfolio of one Member regardless of the capable he may have been. Of course this is the first time in our history that we have had a Member on Elected Member responsible for certain subjects and your predecessor was really experimenting with the Constitution in the carrying out the provisions laid down in it. But nobody has yet been tried for the jobs and he came an error to putting two subjects of divergent nature under the portfolio of the same Member - so this is something I would ask Mr. President for you to bear in mind after next year's election. Because next year's Member for Agriculture has a stupendous job facing him.

I heard from a reliable authority by way of a speech made at the Rotary Club some weeks ago that fifteen acres of well farmed land can grow all the vegetables we need for this Island - any more than that we would have to export. Why I am saying this is going to have a stupendous job is that although fifteen acres can grow all the vegetables we need I notice that the Development Plan has some seventy-seven thousand acres for agriculture. We only need fifteen acres and they have commandeered forty-seven thousand acres - forty-two square mile for agriculture, park lands, protected coast line and what not - this is just one classic example of how our United Nations Consultants give us bad advice. So next year's Member, if there is a change, and if there is no change the Honourable Member who now holds that post will have a stupendous job to find out how to utilize the forty-seven thousand acres which have been taken for this purpose.

Mr. President, in my introduction I mentioned the recession caused by the proposed Development Plan, and I would like to deal with that statement. The plan has only done what it was set out to do. When one reads it one notices that the emphasis is on slow down our economic growth, no whether the plan is passed or whether it is not it has already done what it was set out to do. The plan does not merely comply with the statutory requirements set out in the Development Planning Law of 1971, it does not only control land and use of land but it has stretched its long arm out to control the way we live, we move, we breathe, we have our beings, and as if this were not enough it has gone further than that to put controls upon generations yet unborn. So this plan must be scrapped. It

MR. G. MAIN MINOR (cont'd.) ...must be discarded in the entirety or amended until it is unrecognizable - it does not suit well to these Islands, and I believe there is a reason why this plan does not work well and I think the reason is that powerful people would like to keep the Island as it is for the use of a privileged few. I can't help but go back to the tourist trade - you know a few years ago it was a sign of affluence for some to come to the Caribbean and sit back home sporting a tan in the month of January, but today that is no longer a sign of affluence for the privileged few, it is no longer the hall mark of the very rich for a few dollars that can be shared by half a million pensioners if they take a trip to the Montego Bay holiday Inn or the Grand Cayman Holiday Inn. The point I am making is that the world has changed - mass travel, rapid communications have taken away the play grounds of the very rich and put them within the means of the average worker.

A restrictive plan if it is restrictive enough could well single out one Island and make things so costly and so restrictive that only a very few could enjoy it, but is this right and must we allow it or must we consider that thousands of people will benefit if we do not have too many controls. The Budget Address mentioned the many sections in the plan; I believe the Third Official Member wisely used to mention debate that there was any choice between total acceptance and complete rejection. But it also mentioned a stream of people who want to believe that this plan will retard progress and development - I want to be counted that number when the swirks come marching in - I want it to be known publicly that I believe the Development Plan which was put forward, if we had allowed it to go through as it was presented to us, would have retarded the progress and the development of these Islands. And if it had not been for the ingenuity and for the courageous action of certain Elected Members, myself included, this plan would have been far long ago. But I am glad to say that even if we are considered fools we are never considered weak, and even if we are considered ignorant we are still considered courageous.

This budget, as the Third Official Member himself said was the most difficult in the eleven years it believes it was in presenting a Budget. And there is no wonder because last year - that is the '78 year for the Budget was the one year in which Customs revenue did not come up to expectations. We were unable to make ends meet - is it any wonder - I am surprised that we could get off the ground at all - when the attitude of Government and the Planning Authorities has been to keep construction to a minimum until after the plan can be into law. Every home builder means thousands of dollars of revenue for the public till. One Member said here last week that the revenue from one house is about equal to the revenue from a hundred and fifty tourists. Now I am not saying anything disparaging about the tourists I am just drawing a comparison that while we want revenue to come we also want construction work to continue because construction work does bring revenue for Government.

You know the reason why we have to wait until the Development Plan is passed to get approval for houses, because when that happens you will not be able to build on the sentimental mount line. You will not be able to build in the forest reserve, you will not be able to build in the agricultural land, you will not be able to build in the open parts and public seashore, you will not be able to build in the low density areas; that is why there is this delay. Somebody - some minister must be looking forward to the day when all economic life will have to a halt, and they will be able to do as I said earlier on, keep the place for a privileged few. I certified that Government gave wrong advice sometimes from their consultants - we should not follow everything that United Nations tells us - one Member touched this briefly last week - who are these people to tell us when we reached a stage of sufficient growth and when our gross domestic product has reached the proper figure - who are these

MR. G. HALG supplied (CONTD.): people or tell us? In the Budget Speech I see that our gross domestic product for the year 1972 - there are no figures as there is no survey opportunity by United Nations since that - our gross domestic product for 1972 was 23.56 million dollars. But what is so wonderful about 23.56 million dollars? Wouldn't 23.56 million dollars be a better figure, and suppose we were applying these figures to the year 1975; if the gross domestic product is shown to be whatever figure it is - what is so wonderful about a figure? Wouldn't a half of one per cent be a better figure? or 1.025 per cent increase be a better figure? So how can these people presume to tell us when we have reached the age of economic growth and we have the proper gross domestic product. These people should be told to go and fly a kite because they do not know what they are saying.

Mr. Speaker, I will be brief in some of the points I'm touching now, because I don't want to take away the record of the First Member from Andros Town who spoke some minutes I only expect to see three: I'll be finished by noon tomorrow.

In the Budget Address mention is made that during 1973 there was a significant upward trend in passes on the Comprehensive School. I know that is true, but in my opinion it is nothing to shout about. Why a close examination of the passes will reveal that in the C.S.E. examinations out of 90 odd students only seven had passes in five subjects or more, which to my mind means that only five out of the 90 odd would be eligible for University entrance. Thirteen had grade one passes, which is the equivalent of the G.C.E. 'O' Levels. Only one child with ten subjects of 'O' Level rating. Five passed G.C.E. 'A' Level only two had two or more 'A' level passes, one in the London Board. 'O' Levels only two should have three passes and it is quite significant that this child was from Cayman Brac. No child had more than two - on the same page of the newspaper it is noted that a child in England had eight passes - a child who had conceivably lived here. In the Cambridge exams in the G.C.E. 'O' Levels only four had five or more subjects. So that while the school may be doing a better job than it has done there is still plenty of room for improvement.

One of the fallacies we have been that a child should not even be taken as many subjects in the examinations as the child should take. Apparently the child is allowed to take whatever it wishes to take, and in some instances the selection of subjects has not been duly good. In the same newspaper which was published on a Thursday evening there was a notice saying that those also wanted to take the exam that were registered by the same evening: if this was the first notice it would be a physical impossibility - this doesn't seem like something to make or break over, but certainly we could do better than this.

We are also told in the Budget Address that the Education Department continues to be the second biggest spender of public funds and I agree that it should be; let us spend money on education, but let us watch it to see that we get the results. Education alone is only a fifth of the Budget. But on the examination of the Budget I see that only seventeen thousand dollars is set aside for training of teachers, and this seems to be a small sum when we are paying in salaries 2.3 million dollars. Teachers and other officers will receive over a million dollars yet we only spend seventeen thousand dollars on training - we need to spend more money on training so that the majority of teachers can be here this Island and that when the 2.3 million dollars is spent it comes back to the tax payers.

In 1974 we actually spent 1,97,047 dollars on education - in 1975 the figure is up to 4.4 million dollars. This is a tremendous increase, an increase of about half a million dollars, but I am not against it - I am all for having more working teachers - they deserve to be paid - teachers and probation officers are two

MR. G. HAIG MOREY (CONT'D.): please at prep a that I would readily vote double this salaries tomorrow. But glad I am against it when I examine this page budget and I see costs associated with high spending never to give services to people - I am alarmed about this. One Member mentioned a building ago in this debate that a Magistrate would be brought in to tell the people what to eat, to tell them what to serve to the school children - I don't think all of this is necessary. I have a budget who will draw 7,000 dollars next year - I must admit my ignorance but I don't know what it is. There are other posts in the budget that I would like to question - I see a Librarian - School Counsellor and a Warden which carry salaries of nearly 12,000 dollars per year, and under new services also I get to that I will be dealing with the appointment of an Assistant Librarian which is asked for this year, but these three posts will in 1976 carry salaries of nearly 17,000 dollars per year.

In 1975 there were three posts Librarian, Warden and School Counsellor were paid salaries of over 11,000 dollars but in the approved estimates for 1976 these posts were approved at only 7,000 dollars this is very alarming. In 1975 we budgeted for 7,000 dollars for each of these posts (I'm not using a round figure) and they were paid approximately 4,000 dollars more in the revised estimates - this certainly needs an explanation as to why these posts which were budgeted 7,000 dollars were paid a sum far more than 50% increase. One Member in the debate mentioned the large amount of money that is paid for the transportation of children to schools - I might also remark that the same question was raised last year. I agree we must spend money for the transportation of our children to schools - I have nothing wrong with it - the Member who questioned this item last year said that Government should not spend the money for transportation they should take it to build a million old fixed low children. What is the point in making the shift - if Government is spending the money does it matter how we are spending it, whether it is on transportation or on books, and does this what Member realizes and I'm sorry that he is not here to hear what I am saying, that the cost of feeding the children would be far greater than the transportation. I understand that at the present time in private Government owned charges costs to bring a child from West Bay to school certainly you would not have a child for thirty eight cents, so if we overhaul this system and let the parents pay the transportation and Government absorb the food costs we would be saving much more.

We at the present time only have to transport about 760 children from the outer districts of North Side, East End, West End and the rural Eastern Town. But if we are going to provide meals we will have to provide meals for all of the children, including George Town and the suburbs. So that means we now bring only seven hundred children an average cost of sixty cents per day we would have to feed 11,000 at more than double the average cost of transportation, so that was a ridiculous suggestion, and I hope Government does not adopt it. It is true that we have to pay for the bus service, but it is my contention that it is our area where we receive value for money spent. Now I am not making this because I am getting - long before I entered politics my children had gone to school on the school buses and we never had a single complaint, we never had a single accident, we never were aware that being there, the service is valuable. The bus drivers that our Government employs are amongst the most respectable and the most level headed individuals in these Islands.

Now what the Member did not point out to the House was that while we spend $1,000 dollars for transportation of our children to school we also spend $2,000 dollars just to keep the tourist offices in Miami and Chicago open - this does seem to upset the Member who talks nonsense about the high cost for the most vital service there is in this Island. When education takes the largest bigger bite from our revenue it is to be expected that it will want to have a reliable transportation service. And so I say to the Member nonetheless that he will always have my support for the saving of our

MR. R. WHITE BOWDEN (Cheviot): children - it is no use having a school which is now built or being built if the people are stranded in Cut Bay and Gardner Town, North Side and Rust Bay. Because it Government were to do away with the supervisors and carrying the cost of the transportation of the children the parents would have to go out and find vehicles to meet them at schools. The bus drivers would still get their rates, but would the service be as good - so we must not entertain such rubbish, if we had in our Island a public transportation system with adequate number of seats say for you could talk about Government doing away with this small item, but even if we had a public transportation system it would not be desirable to have the school children mixing in with the public.

I saw on a private bus travelling from Cut Bay or East End making so many stops along the way, what time would the child have to get up in the morning to get to school on time; with a school bus especially for this service he knows he travels virtually non-stop and arrives on time. I know there are underlying reasons for Government giving up the busing of children, I know there are political reasons for it, but I am not going to stand here and say our children were, because probably might went otherwise. I know another item that falls under the same Member, the Matron of the hospital, but I can't seem to get my hands on my notes right now for that and it will have to wait - he will get a breathing space in the meantime.

According to the Budget address the Savings Bank was undergoing a union with the Currency Board. There was considerable criticism at Government at the time the post of Manager was advertised, and while we know that appointments to the Service is not a matter for the Members of this House to decide there is no one that can stop me from questioning the manner in which appointments are made. We are only wonder how Government arrives at the requirements for these several posts. I happen to know from the ad which I saw that the post of Barrister was advertised with a minimum age level, I understand that the post of Assistant Attorney General which was approved last year is also advertised in that fashion. Why are these limitations put? Another department, and a very stringent requirement is that an applicant must have a particular number of years of experience. Are we being picky, selective and choosy in this matter? And although the post of Assistant Attorney General was approved last year I noticed that it remains unfilled, I'm wondering if it is still being advertised. Promotions seem to have disappeared from the Service amongst the junior officers. I know that there are officers in the Service that have been on many training courses abroad - why send them on these training courses if we do not give them the promotions as they come along - how are we ever going to be able to take over our local services if we do not promote our local people when the situation arises.

I am not voting in the Budget this year, and this is the last time I will mention under procedure that we have not Superintendent of Prisons and two Assistant Superintendents but this year that this year we will have two Superintendents and one Assistant, this means that one of the Assistants has been promoted. I respect which one it is.

At the outset I mentioned that my reply today would be one synthetic synopsis of the Budget. To understand this I want to take a detailed look at revenue. The biggest source of revenue is Customs. We can bet our tuppence for 1979 will not come up to our budgeted figure, in fact it will be a good way below the approved estimates for 1979. This is probably the first time in living memory that Customs has failed to produce the revenue which we expected - it is the one Department that has always tickled the Financial Secretary - he could always depend on Customs to bring in the revenue - why is it that we are down, and why is it that the

Mr. S. [illegible] (contd): estimates for 1976 are also below the estimates for 1975, and my answer to the beginning is that we have taken steps to guarantee that one revenue will be down. We want no more commodities - we want to have fewer ones - the two biggest producers of revenue under the Customs Law, perhaps alcohol might rise for a period there too. But we have taken steps to guarantee that our revenue from Customs will be less in 1976.

Another look at the revenue will show that one bottom does will also be down for 1976. In fact it will be down from 151,000 dollars to 100,000 dollars. Despite the fact that we have seen fit to increase the light dues in this sitting. Light dues is one of the several items under Customs Group.

Fees from the Judicial are estimated at only 80,000 dollars, although 87,333 dollars were actually collected in 1974, so that in 1976 we estimate that we will collect 7,000 dollars less from this source in revenue than we did in 1974.

Our revised estimates from Judicial for 1975 are below the actual collections for 1974 by just a million dollars, and the estimates for 1976 are even below the 1975 figures and this is despite the fact that Executive Council has increased the costs in areas by as much as 200% we expect to collect in 1976 less revenue than we did in 1974, and we are aware for a bad year.

I also see in the estimates that Government rentals in 1974 produced $1,000 dollars in revenue our estimates for 1975 are down by more than 50% - Government is really aware for the continuation of the policy which is being followed recently. And what are we doing - we are not trying to stimulate the economy so that it will be more importation - so that it will be more purchases - this would be one way to bring up the revenue - what have we done - we are drawing three quarter million dollars from our reserve - this is a good source. What we have to do is to get revenues which we have been collecting up and down down by three quarter million dollars to make the budget look presentable. In addition to this how else are we balancing the budget - we are very hopeful - that our new tax proposals will yield one million dollars but this is really hopeful. Thinking - the new tax measures will reduce the revenue in the areas based.

Now when we examine the details of our revenue things are even worse - the revised estimate from Import Duties down by a full quarter of a million dollars, but we expect to collect 300,000 dollars more than we did in 1975 - how are we going to do this when construction is down, controlled by the anti-growth policy of Government - restrictions of the Planning Authorities and the dampening effect of the Development Plan. Customs Tax for 1975 down by thirty-three and a third per cent, and Excise Tax is a clear indication of importation - Excise was normally collected on a per package basis - we expect to receive only two thirds of the packages we received in 1975. The approved estimates for this year for 1975 was 310,000 dollars - the revised estimates for 1975 was only 206,000 dollars a decrease 100,000 dollars. So we now that not only are the estimates for 1976 below 1975 estimates, but they are also below the actual collections in 1974, it gives merit as are two years behind time. We if our number of packages are going to be down where is the increase revenue to come from.

We notice that Personal Taxes in the revised estimates for 1975 are also down by thirty-three and a third per cent, although this is a small item. Estimates for Motor Vehicles taxes during 1975 are not keeping up with our annual collections, as the collections did not keep up with the estimates. In fact the estimates on Motor Vehicles taxes for 1975 down by 12,000 dollars. The revised estimates for taxes on Firearms 1975 are also below the 1975 estimates. The revised estimates of revenue from Liquor Licenses in 1975 although above the original figure fell to me the actual collection for 1974

MR. G. HALL (Upper Hutt): The Stamp Revenue in 1974 produced 40,000 dollars, yet our revised estimates for 1975 were only 33,000 dollars, and the estimates for 1976 are well below the 1974 figures, and this is despite the fact that we have increased the Trades and Business Licences in some instances by as much as 12½%.

We also put up Bank & Trades Companies Licences well below the estimates for 1975, and this is despite the fact that early last year we trebled the fees payable by the Bank and Trust Companies - these are an increase of no less than 100% - yet the revenue was down - this proves my point that increasing taxes does not always give income. In most cases these companies were dead. This year below the 1974 figures, and the last item I'll deal with is the revenue stamps. In 1974 we collected 1,234,648 dollars from revenue stamps. Now the bulk of this comes from land transactions. In 1975 we budgeted for a collection of only 760,000 dollars, or seven tenths of the net return in 1974; and I see with the revised estimates for 1976 have been further reduced to 600,000 dollars, and this again is despite the fact that I've given you the benefit of the increases in stamps under the Stamp Duty Law. This may not be readily apparent to some Members, but I'll just give you one little example of how the increases in the new Stamp Duty Act restricted the revenue of Government. In the area of the corporate division Government was not collecting any stamp duty - it was a nominal one per policy. But by changing that from one cent per policy to fifty cents per thousand of the insurance written Government has multiplied your revenue. It would amaze you to know that one little corporation by one insurance company paid into your two million dollars like immediately, which produces an stamp duty 20,000 dollars for this Government. The point I'm trying to make is that in your stamp duties - in your revenue stamps for 1975 and 1976 you did not have the benefit of this additional tax. With the local life insurance paid in this Island last year you have collected say at 20,000 dollars of additional revenue. For this year, yet the revenue is down from 1975 1,234,648 dollars to only 600,000 dollars. In other words revenue from revenue stamps has been cut in half, despite the fact that they are collecting revenue from corporate life which was never collected before. Can you see what has happened to the real estate business which at one time was the only contributor to revenue stamps.

Before we leave the matter of revenue, I would like to go on record as saying that there has to have to be some other method of collection. The other is to tax your expenses, and apparently the Government has never heard the latter.

Capital Projects: This is the stuff to us comes from capital projects. But because the four capital projects which we criticised some three years ago, because the major source of our problems, I think we owe it to the House briefly to look at them again.

So the time in 1973 when Government introduced these four projects I was a severe critic of Government - in fact my colleague over there Bob Tizard was a severe critic in saying that we should not start all of these projects now, but we would like my kind, and like the words of some other Members most undoubtedly Government has made a decision and like the laws of the Romans and the Persians that could not be changed. Now we are trying to get out of them as comfortably as we can. One of the projects has been completed - I think the Member should attended to it as he gives credit, but we are far from paying for it - we have while the structure has been completed at a cost that we could not afford we are still a long way from getting out of this project. A giant structure like the one we've got is just as much out of place in this Island as a big car would be in Bali.

The second project - the development of the cable bus/light station - here again I was one of the few Members who were against the job being done by the Public Works Department. I felt that if we were going to do the work we should give the job to

MR. G. MAIC BOTTS: (inaudible) [illegible] a resolution, and I think if I had a chance to vote I would vote that way. Nevertheless, I must say that the United [illegible] and what was that if Public Works bought the road they would have the equipment to repair the roads that we did the summer and that is think the only good part of the [illegible] which followed. I am really alarmed at the manner in which the roads are being [illegible] and I have no hesitation in saying that a private contractor would have gone about it in the way we are doing. I don't know what the reasons behind it, but we took all that machinery down to Bay and we did one little metre in West Bay - the West End Road and we left the rest there and would well have been the last portion of road done. There we took weeks or days to shift a [illegible] machinery up to the School House Road - the School House Road at the [illegible] you know and it the income that you would receive [illegible] it was the one road in Cow Island that it may possibly be left out to [illegible] School House Road. That road still didn't have [illegible] Now I really [illegible] We're told that the reason for [illegible] is a semi-finished road in the [illegible] of the Island from one portion of town and now the back road. The people will [illegible] back road, unless we move the banks. Cheap, serious to the back portion. [illegible] and I must say that we [illegible] the road about the work at this session. [illegible] from the Yacht Club up to Crewe Road [illegible] and then we started all that heavy equipment [illegible] while we are grateful for the work done [illegible] it was a foolish thing to do. [illegible] should have started at Crewe Road, place the equipment [illegible] and work towards [illegible] the Yacht Club. Naturally if the motorists from the East End [illegible] Yacht Club would have the most benefit of the new road as they now have. What would have happened [illegible] if we had the proper use of your time would have been better used [illegible] for the sake of economics we would not have spent all [illegible] and all have moved to shift the [illegible] equipment from Crewe Road to Prospect, eh? Now I understand that after they have [illegible] they have to move it. This is the most they did not have [illegible] to go [illegible] to have back to George Town.

[illegible] the plans are to shift the equipment from Savannah first to Pedro? Then because they have no [illegible] they should move [illegible] George Town to Bodden Town, instead of from Bodden Town to Savannah. So it is your hope to move one truck - it doesn't matter [illegible] what you're moving a whole battery of heavy equipment [illegible] by - it is [illegible] up to always is [illegible] for the [illegible] - money for the [illegible] that must always be allowed [illegible] the motorists. When you have to remember that if we [illegible] of moving the machines - the equipment isn't [illegible] you can't [illegible] and put it on a lighter and go away with it, but what about the [illegible] sand and gravel and work on. This is going [illegible] cover the plans finished about - we find one pile of rock just about the North Side Road and [illegible] that is needed to [illegible] and that when it was moved [illegible] about it is moved [illegible] - this is costing our Government money. It is [illegible] and [illegible] private contractor would have done this [illegible]. But then the price [illegible] looking for the most efficient way to do the roads, but [illegible] for the most political way to do the roads, and I [illegible] have gone about in the way that we have gone [illegible] do so.

While on the subject of the roads this morning I [illegible] to go back to the canal which is being built to [illegible] the [illegible] Bodden Town. This is the most [illegible] thing that the Public Works [illegible]

MR. S. ERIC BOUCH (cont'd.): during the whole exercise. Now that it has been brought to their attention I will hope they will utilize their wisdom and scrap this nonsense - leave that for the planners. We in Bodden Town were to a certain extent happy when we heard about the canal which would have made four Islands instead of three, but the little canal which is now under water in the Red Bay area will not mean an this much. So we asked them to scrap this project - Doubtless the Member from North Side (if he gets to speak tomorrow because I my sometimes will devil- for Members from North Side will probably be telling the House how he protested, or how some North Side people protested against this extravagance of Government in putting a canal in the Red Bay area. If carrying a road where the canal now lies would mean the turn - the big turn at the South Sound junction I would go along with it. But we are going to have two curves where formerly we had one, and in my Case half circles take one complete circle. But we also will have the same road open because we have to have access into South Sound

It is a good idea to straighten the turn in the road, providing it is not too costly and providing it is not too harmful to the land owners. But in that particular area I don't think sufficient consideration was given to the owners of the land. The Deputy Hon of Government structured out its Land Acquisition Law and took the land, now the they paid for it, but I understand that the owners are disconcerted. And whether this is true or not, the plain fact remains that if we go on with this project we will be spending hundreds of thousands of dollars and we don't be arbitrary anything because the road will be no straighter than it was before. But what really gets us with Public Works doing these jobs, is that they seem to spend so much time doing things that could wait. I am not saying that they're not necessary, but money is being spent to put an island in Smith Cove, and we've got the Harbour Green there long ago - money is being spent to paint white lines all over the place at a time when the Bodden Town/George Town Road is impassable.

The Member from Cayman Brac told us of his struggle to get on that 950 acres now at is a heavy chore that he didn't have to make that trip every/week, for the week several days, because with his short stature and with him being new to the area, he would certainly have floundered in one of the many holes. One other point I must mention is this continual movement of our heavy equipment is the wear and tear of this machinery. We are lucky indeed that the asphalt plant was not a movable one, as this would be going too; every time somebody gets the shit or the army to ships to another locality. Every time a new job is started Lord is last - the mixture are inevitably off it takes them some time to get down to the job. I heard in this assembly that this road the same Bodden Town/George Town Road would have been completed at the rate of one mile per week but/weeks of Public Works must be longer than any body else's leap year. We were also told that the cost of these roads would be nine millions and sixty cents per foot; it is costing much than that per foot to move the equipment.

The third hay project is the Pier. The cost of the new dock staggers the imagination. When the new dock was talked about in the beginning we were told in this Assembly that the dock would be put in George Town because it could be built for 1.5 million dollars. The Lady Member from George Town, although not an economist, said that she didn't believe it - she didn't believe you could get something like that for that price - she is right. This year in the Throne Speech we were told that the cost of the job if we built the Administrative Building and acquired some more land would probably be about 4.5 million dollars. Today Government's commercial estimate is 6 million dollars but the project is just beginning and although we have a guaranteed maximum estimate we have that instead of 4.5

MR. [illegible] (CONTD.): million it will probably be 1.4 million. We were lucky in that we didn't have a run Northwestern some weeks ago, but what little we did have caused some damage - this was obvious. The Newspaper carried a story that it hadn't cost very much, and that the project hadn't been delayed very much, but I am wondering if that is true, and I am wondering who knows the cost. Somebody on the outside disagreeing this article with me says that is true - it wouldn't cost much because the contractor wouldn't know whether it had cost him or not.

The most alarming part of the work is that this dock will be outmoded long before its completion. This dock as I see it will not be able/[illegible] wide bigger ships than we now have. And even if it can, what are the ships coming here for when our import quotas are down. Today this type of dock is obsolete. Most of the cargo coming to this island is now coming in container ships, and that was all we needed new berth for the containers to pull it on. So we have vastly strangled ourselves and probably will stumble over ourselves to complete and the facility will be outmoded long before its completion.

The Rural Capital Project at the Airport Terminal Building, and I am glad to say that it is good to see that Government has delayed this a little. We understand that the first phase of the project has been completed. I also understand that the freight shed has cost an astronomical figure, and that of the terminal building rests in the creation of the freight shed that the terminal will cost more than the dock. I'll probably even be leaving the portfolio of the Member for Transport before then, but before I do I would like to mention Cayman Airways. Probably more questions have been brought in this House about Cayman Airways than any other subject with the exception of Caribbean Utilities.

Cayman Airways has felt the competition of Southern Airways, but we can do nothing about this since they have a reciprocal right of flight into here, but what pleases me is to hear on the outside, and to read in the newspaper that top Government officials favour the advent of Eastern Airlines. If one takes a look at the Southern Airways flight schedule one will see that Southern will be a threat to Cayman Airways, but one takes a look at an Eastern time table one will see immediately that if Eastern should come in here to a carries it on, by the decision for C.A.L. The result is that Eastern Airlines has many direct flights from the major U.S. cities to Miami. That means that if you/[illegible] arrive there from one of your big cities they would fly Eastern but would naturally carry on to Cayman by Eastern. On the other hand if a traveller was coming from Chicago or New York, or one of the other big cities the person would hardly come by Southern, because/[illegible] have a direct flight from there for many large cities. And this is the reason why I feel that we should do anything to favour the coming in of Eastern Airlines. Not only is it a big carrier, not only is it an established carrier, but it is also in a position to [illegible] all the travel into Miami. Southern is not in that position - Southern does not have as many routes to Miami from the territory [illegible] with us, and Southern is not giving Cayman Airways any benefit the competition it will [illegible] Eastern.

So I am asking the Member for Tourism and the Member for Communications and Works to study the time tables of Southern and Eastern and find out if what I am saying is all correct.

We saw from a report which was written not to us by the Financial Secretary or tabled in the House that C.A.L. gained a lot of money recently. I believe something like four million dollars recently. So by two or three aircrafts. But we naturally paid to large airlines enough money to buy an aircraft. So it is time that C.A.L. looks at purchasing its own aircraft. If we can pay Bacon's mortgage or give him enough money to [illegible] to pay their mortgage every month, why we can't we pay the mortgage for ourselves. The difference is the difference between renting a house and living in your own. When you borrow money and build your house and pay back to the bank every month you're building up an equity which you will have after a number of years - when you pay it off at the end of twenty years you'll have your

MR. G. ERIC BOOKER (cont'd): rent receipts. And we can anticipate a lot of monthly receipts from taxes by way of leases, and/we conclude in a hundred years we will have nothing but rent receipts. The same money paid for leases could be paid for the purchase of an aircraft. What we acquire may be/not already acquired the sixty per cent is C.A.D. I hope we will then be in a position to rule the roost. When we owned fifty-one per cent we did not have any say, we had a superficial say which carried no weight - the forty-nine per cent was controlling everything. So now that we are about to acquire the sixty per cent interest in C.A.D. I hope we will show them who is boss. One common complaint, but one that I have had several times is that the people in the Miami office seems to favour the Southern flights, and the people in other offices that are paid for by Government seem to favour the Southern flights. I don't know if this true - I hope it is not, but if we have anybody abroad and we're paying their salary and if we're paying their passages we must tell them they must travel C.A.D. whether they like it or not. We pay their own fares.

What I am going to remark upon Mr. President now is the new tax measures, and this took up a great part of the Budget Speech, and will undoubtedly take up a great part of my speech. Under the Liquor Tax Measure I know I touched a little on this in Tourism, but I am going into the profound depths of it.

MR. PRESIDENT: I notice if the honourable Member wants take an interruption at this stage of my/is beginning a new trend of his speech, perhaps it might be a good time to adjourn and continue tomorrow morning.

MR. G. ERIC BOOKER: Yes, Mr. President, I am willing to go along with that.

ADJOURNMENT

HON. P. V. SMITH: Mr. President and honourable Members, I move that this House adjourn until 10 o'clock tomorrow morning.

HON. C. E. MORRISON: I beg to second that motion.

QUESTION PUT AGREED

AT 5:50 P.M. THE HOUSE ADJOURNED UNTIL
10 A.M. TUESDAY, 29TH NOVEMBER, 1977.

MR. PATRICK BANKS- ... or two ... [illegible] a number of people, and accordingly a lot of times ... our own ... people. I understand that ...

... is one Department ... only one Chairman in the office, how many others, I don't know - whether it is five a dozen or how many. All of this Mr. President, I will go into in detail tomorrow, the Lord's willing. So at this time Mr. President, if it is convenient to you for the adjournment, I would prefer to close at this stage, if it would be acceptable, Sir, to you and the House, rather than going on any further

MR. PRESIDENT: I take it that the Honourable Member is interrupting his speech at this stage, and he retains the right to continue in tomorrow's morning.

ADJOURNMENT

HON. D. V. WATTS: Mr. President and Honourable Members, I beg to move that the House adjourn until 10 a.m. tomorrow morning.

MR. G. E. MACLENNAN: I would like to support that motion, Sir.

QUESTION PUT AGREED

AT 12:30 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. WEDNESDAY, 20TH NOVEMBER, 1975.

MR. CRADDOCK EBANKS: Sir, then I will not be giving any heed to any appointment under New Zealand, and if we get at this stage to further burden our Tax payers with taxes, taxes to provide further overseas some of these things, then I wouldn't be fair to the tax payers to support this. Its nothing wrong - its no harm - an office working under a Chief Secretary sometimes, and in my opinion Mr. President, some of these appointments should not be at all, for some time to come, not this year nor next year, nor the year after. Its taking time for some of our people with their they be Government or expatriates filling a post in an office to get up and go more than some of them are doing.

So with all the hard work that the Financial Secretary has put into this - preparing it. Its with regret that I am not going to support this part of the Budget, and not only this part, many other sections of it. I am going to propose amendments and some deletions as well - because I cannot/not able to survive, or in other words why should we be burdened with, such a struggle to survive on meeting additional cost. What I have found - to try to borrow from banks - you might borrow 100 dollars, paid up 150 dollars, at 450 as the case may be, you're still in debt 50 dollars, you go back to the and borrow another 200 hundred, they say no - are you going to pay the 450 dollars and you're in debt now 50, in other words if you can't pay the 50 how are you going to pay the 450. That is why like at we argue to try to do at this stage - to keep our present staff - which is in the estimates / provision needs to given to this, and some very reluctant can be made, and all I hear on the other hand they are proposing to bring in others.

Mr. President, this is the threshold of Government's door - when Government must give a serious look into the affairs of this Island, or the Islands of the whole Cocos Government. Stations - Government is aware, as I said a minute ago - things are not booming now like they were three years ago, and we don't protect our employees, our local people, that the market could fall be created. Oh, two days ago in one of the three Bay, an English employee also walked out - quit the job - one of the local staff expected to have not been this post - before one of them could get that post - this was one who had quit the job was brought back in and put in the job - a number of them went to lawyers for advice - they planned on a strike on the bank, but be advised that not because it wouldn't work these way plans, they didn't have a union, but I am just trying to point out Mr. President, there are the seeds of things - things are sprouting that all is not well, and it won't go well if these things are not looked into, and see that justice is given where it belongs. We got a lot of foreign expatriate employment on the Island - we know we couldn't get along without some of it - some of it still needs to be, but Government should look into these things and try to make it as many for both sides as possible, and let the local people have the benefit where it is reasonable that they should have a priority to a job. These are the things Mr. President that will cause the unrest, and human failures, having what these may be, we will spend so much and no more. You've got some people, they have the right to choose, as all people have the right to choose their way of life - you've got a few people who like to spend all their life in jail - that is their is choice - that is their desire - then what you have the other people that ought to be treated according to their desires, and what they would like to be in a place that/world - are to fill in their community.

Mr. President and Honourable Members, I wouldn't like to go any further at this time, as the President indicated that he had some obligations that he would like to meet, but I am prepared to stand here tomorrow and go into details on the expenditure of this Budget, unless that I have made earlier visit Departments, and to try to point out where, and how that our people will be better looked after. The Department went entirely over the last week

MR. CROSBOCK FRANK: One Member speaking a few days ago made remarks as to luncheon debate. If Members were better informed, which means why should some of the heat and dust we raise to it being in the House is only second-hand information to me and it is first hand of certain members or certain people of the public. In other words the public can tell Members what is going on when Members are not aware of it, and in most cases, part time this is true; there is smoke there is fire.

Mr. President, I want like other Members commend the Financial Secretary for his eager and outstanding Budget Speech, its hard work, I am positive he didn't sit down in his home one evening on his porch and put that all together - to bring his speech to this House to outline - to tell us in detail what had happened over the previous year leading to its close, and what he is working towards in the new year - it takes a lot of time and concentration, sacrifice and hard work to put all of this together, and find figures to put in their right places to meet what he hopes, and ten Members as well - that will turn out to be a success for the year 1976. Mr. President, as always we don't see eye to eye, and if it was so that we agreed on everything in principle one hundred per cent, then it would still be something wrong. One Member said a few days ago while speaking that - words to this effect - that why should we go on continuing to criticize Government with all that Government is doing, what is now attempted to do, and what it has done, and what it is still trying to do. What should we do then - all of us should rise in here and sing the doxology, Praise God from Whom all blessings flow, as private Government for all its Cons.

Government is so different from a home, comparatively speaking - we have to criticize our children for not doing some of the things that they should do, we have to whip them, and even why if this Government was in the hands of Councillors Cardinal in His days, probably some Members would get some whipping. We have these things to remember with, some of us are faultless, none of don't make mistakes, and if we don't criticize then we won't bother to look for the mistakes to try and correct what seems to be wrong, or the wishes of the public, and try to make things a little smoother, a little better, a little more comfortable. With all the Heads of Departments of all the different departments, it seems that there is one department that gets little or no criticism, which I am just saying this in passing because I will come to that subject later - is the Mosquito Research. Now is it when I ask this question that I am putting forward - if the public on the outside - if Members in this House can see that the Mosquito Research is doing a magnificent job/ why warrants little or no criticism. Then why is it so difficult to see the other Departments in what have been wherewith and termed as waste and squander.

I know it is not possible, and I don't want to be here when that should come about, as if it should come about that every individual in this country is satisfied and happy, because we won't live to see that, we don't want to ever reach, but in the majority, the big majority there ought to be able to see and understand when things are good and/or bad. Many of the most happy years I sometimes for some people, have been over the past three to four years because they could pick pickins and return a job, now that has changed, too many people, many of our own people, may be some Government purposes, may be some Members in this House thought the boom would continue, but getting to the peak of the highest mountain, you don't stay there, you either come back down this side, or go down the other side. Now we find like many other countries - depression - many people are out of jobs - they are not able to pick and choose the jobs as they once did, many are looking and trying hard to find a job to do it - what is Government doing about this. Being hoped in our recession - is it advisable - does it make sense to create new posts, new positions - as always as I mentioned previously have on the last page or two of our permanent for ten years - now Gentlemen, Mr. President.. I will not go into this in detail, but I can assure you

MR. G. HOIG BLOUGH (Cont'd.): gradually shifting the free enterprise system .. We can do this, we can keep shifting the free enterprise system if we avoid these controls. It is true that our revenues have not fallen off sharply, but if you look at the way the enterprise Income/Employment previous years, any report till would have to be big, so that we went from 1 thing a reasonable increase, and in some years a giant increase to where we now see a falling off, and this is a warning, this is a signal that we have reached in certain areas the optimum level which is possible.

Customs duties can only produce so much revenue because there are only so many people to consume the goods which are imported. If we look at the history of the developing countries we will find that in the early stage customs revenue is the main source of Government income, but as the economy develops you will find that customs revenue will take a lower place. It is estimated that at the time Canada became a dominion, a hundred or so years ago, customs duty was at that time providing about 90% of the revenue. Today the customs revenue is down to about 10% of the total revenue, and I think we have reached a stage here where our customs revenue is starting to decline, and so we cannot look to it to provide more and more revenue, if we do we will get a shock. Increasing the tariff rates will not produce additional revenue however, it is true that if you simply put a certain item you may in a given year get a little better return from your revenue, but by and large increasing the tariff leads to possibly the importation: as the price goes up people turn to substitutes, when there are substitutes, and even when there are no substitutes you find they try to get more money out of some article. The reason I believe this will happen in the case of motor cars, we have increased the revenue so much as return that the public will know the difference in the price, and the result will be that you will have far less cars coming in, although the duties on such vehicle would be more.

Mr. Speaker, I promised to give the Member from North Perth an opportunity to speak this morning, and I will close, but I would like to say that I feel that the free enterprise system is the best, and we don't want to see any controlled businesses by Government because no matter who is running Government may be, it is not capable of possessing the ability, the wisdom and the ingenuity of the free man.

MR. CHARLOTTE BENNETT: Mr. President and Honourable Members, without I can't intend to introduce my opening address, and that is to be details tomorrow. I would first like to say that I am very pleased of the economy of the Member from my right that has come with us for three years, and during these years we become very friends, and I do feel the absence of him not being with us to day. I am sure we all remember in the last sitting he was like one of us jovial and happy, and looked probably forward to this, but such is life and my heart goes out to him at this time.

Then a friendly discussion took place, and one said to the other. John how are you getting along, oh he said just fine, how are you making it this good. How do you get along with your boss, good, I have to confess he can come on quite, but we get along quite, oh you cannot get boss, yes, well I can't do that then. Two weeks after they met again, so he said John how are you getting along with your boss now, I don't have any job now I had to leave the boss out one day, and he stood beside me when I enter my boss I grave him in my mind. I didn't agree him openly. Mr. President, what I am trying to say I don't have intentions of losing my respect for you or Members, as my own size, but I am not going to create me house-up something in my mind that I would like to say, and I will do so. I am going to stay in the rules or bounds of being disciplined as followed but I feel that these are things Mr. President, that I ought to openly say without making hints at, that we might be working also for you may speak of these things.

Mr. H. HAIG BIAGGI (cont'd): ... and restrictive provisions that we have now. The most worrying problem in that of dealing with the Government Trade; Government Boards now control almost every phase of our existence - you can't get a dress made - everybody is put off as busy willing to make a decision.

Daily next year we will have a Government controlled radio station, another crippling blow to our freedom. It is true that certain people will be able to prosper under the new, but I feel that this station as far as the freedom of the people are concerned will be a crippling blow. We find that the Government setting regulations - set up sometime ago might have been set up for good reasons, might have been set up for sound reasons, but like the Development Plan and the Planning Authority they have now become complex, cumbersome, inefficient and over protective of the industries they regulate, at the expense of the consumer. If I wanted to build a hotel, I would have to go through so much red tape that the project would never be completed. Why, because Government regulations are made to protect certain industries - this Island - they are to protect certain people and certain businesses. Economic wastage in our Government is costing thousands of dollars. I tried to give you a picture yesterday of how much it is costing to move freight back and forth to the roads, instead of doing that on a straight forward economical basis as a private venture would have done.

Mr. President and Honourable Members, the Budget Address mentioned ... we have almost completed the five year plan which we embarked/out five years ago, and I believe it goes on to say that we must now look for a new plan and to do this sense that we will have no capital projects over the next five years. I would like to say on this subject that I feel we should not have a plan which will call for any heavy expenditure over the next five years, or any new expenditure over and above what we are already committed to. We should first find out how we can pay for the large projects that have been completed, and the other little ones that were in the five year plan.

One Member from Executive Council mentioned a water system for privacy and Western part of the Island, if not even for the whole of it, and I know that as soon as/plan part of anything is heard in Executive Council in the next session it is brought forward to the House and passed. I will not forget how the Finance Committee worked over the Veterans Housing Study when it was brought before the Finance Committee. In the very same session that same matter was introduced, although it had been worked over by the Finance Committee. It was introduced as a matter of urgent public importance, and moreover to say it was passed with the whole Executive Council waiting for it. Now I don't remember whether it was just one or two additional Members voting, or whether some Members were absent, but the point is this particular/already voted down by the Finance Committee and it was put forward in the next session and passed, and this very small project will cost 26,500 dollars it is my view that a 100% over run/, and I agree with the Member who said sometime last week that we don't have a thing to show for it. So what are we going to say to all of these expenditures and exploitations of public funds.

When the new five year plan is put forward I can only hope that it will not be as extensive as the one which we have just completed, and I know it will not cost as much because of the having to borrow too much money by Government. The public and the private business is putting too much money into the pockets of the economy where it does the least good. They are taking cash from the private sector where it is making does the most good, and putting it into Government works where it does the least good, and it is time that we slow down on this, and the only way to slow down is to slow down on these fancy projects. Take on as much is necessary and do that alone. Unfortunately this year will have to have measures/regulations resulting out some of the outmoded and stringent policies that have been ...

MR. G. HAIG PIKOOS (CONTD.) person minus Newfoundland what is fourteen billion dollars - that is spend fourteen million dollars, we are spending at the rate of thirty-eight thousand, three hundred and fifty-six dollars per day. If someone gave you one dollar per minute it would take you twenty-eight years to receive fourteen million dollars. These are astronomical figures. We have had a surplus nearly every year since time began, but we have had our deficits in the last. three years - one out of every six people employed work for the Government, it is no wonder that/Hogan advises ways that they are getting a consultant to tell them that they have too many people, and who they should put out.

Government has become the biggest boss in this country, with more employees than any other single business. It is clear to me that we have more Government than the people want - we have more Government than the people can pay for. Big Government is not so rather; rather, but in our case big Government has become bad Government, and that is bad because of what it has done to our economy, and to what it is doing to our freedoms. I would say most of the woes of the 1974 and 1975 budget can be traced to excessive spending. I stood in this Chamber on my first Budget debate and condemned the many budgets Government were starting at the time, and every session since I've been against this excessive Government spending. It is true that we were having a good time, we were passing through hard times, and it was difficult to control your spending, especially when you have a lot of money, and when you know that a lot more will be flowing in, but we made a terrible mistake because in those boom years we have not spoken as that we could/have our budget.

I know we had reserves, but they were not big enough. Our Government desire to have the most prestigious buildings in the world, and to have the most sophisticated services have turned us from a generation of surplus made by a generation of deficit spending. Every Government borrowing to that date of all these projects have had a drastic effect on the public sector. The million dollars which our Government had from a generation of local banks took that much money away from the private sector. If Government had not borrowed this money from our local banks the money would have been available for the man on the street to borrow, but Government in one big grab managed to scoop the banks all the money they were able to borrow, and today there is no money left. So the more we look at this and the deeper we go into it, the more we see that Government is responsible for the collapse in our economy. Question of inflation and lack of capital we see construction come to a halt - now Mahon delights in telling me that plans have been approved, but nothing has been built because no funds were available - I'm telling you today why no funds are available from the local banks - it because the box has been the Ottawa behinds Government has scooped it all up. The banks have a certain amount of money to lend, and no private bank will lend beyond a certain amount.

So Government is responsible for the short flow of money, and although the construction industry was in a slump we put forward the Development Plan to stop investors from building - we announced the dates for work on construction items, size and content - what are we doing - we are crippling a business that is already crawling on its knees. Inflation has been the major cause, or one of the major causes of our recession - inflation arose with the Development Plan has caused our recession, and although inflation remains our most fundamental long time problem Government is doing nothing about it. We brought in an anti-inflation Board, or something of that kind, and her report has never been heard of since. But I feel that today we could pull out of it, if Government would take its restrictive policies, which were implemented in the Government Plan and which we have carried out in our home areas, as God, and all other regulations

MR. G. EVANS DOUGLAS (UNIONIST): ...the Cadastral System today, I am saving my answer for next week when we will be dealing with our Private Members' Motion on it.

Criticisms have been made of some of the Government buildings, but no Government construction should come in for more criticism than our renovated hospital. £2 worth money was wasted on our structures its wasted there. I invite the Members to go and look at what I understand was done by American Doctors. The hospital is built with single rooms - one room, one bed, one boiler, one basin, one patient. The world-wide countries do not build their hospitals that way. I have been in many large hospitals, not only in United States and Canada, but in other countries and I have never seen a one man one bath - this what you get in a hotel, you don't get this at home. In Gould a three bedroom house you get two bathrooms in it, or may be you only get one, but I don't know of any three bedroom house in this land that has three bathrooms, and a bathroom is an expensive thing. So when you build a hospital one room, one bath, that is waste, a scandalising of public funds. Hospitals, more with no windows, I hear they are air-conditioned, God help the patients when the air-conditioning is out. In one respect the hospital is like a wing, in another respect it is like a zeppelin. Hmmmm, in no respect is it like a hospital. When we have in it/this sophisticated oxygen system, each room is furnished with individual oxygen, never been heard of before, unless you count my a Luftwaffe aircraft, then you have your individual oxygen mask, but this money has been wasted, absolutely wasted, there is no other word for it. I know that there are times in a hospital when more than patient will need oxygen, I am quite aware of that, the answer would be a spare set or two, but/it's need oxygen for every person that has a broken toe nail, it is a waste of public funds. There are no corridors in the hospital, the nurses will have to go outside, I presume to get in the room, how can the nurses look at three patients. A patient is dressed in a room unless the owner can get a private nurse there is no way for the one or two nurses on duty in the night to look at all these patients, but why are the patients treated this way, there is nothing better for a convalescent than another patient, and if one patient is in the room it will be impossible to talk to suicidal patient, this is madness of the highest degree.

Last year I visited one of the largest hospitals in the South, and I never saw any room that has only one bed. You know what the room had, they had two beds, but they also had enough space to put in a third bed if they were crowded with patients. We have rooms that are very small. It would be impossible to put a child's bed into one of them, and I say this was improperly designed, it was improperly constructed, and it is a waste of public funds. The first Minister from Belfast Down and I have complained the waste of the hospital. We said that you could have built a new hospital and use the old one for something else, there/ plenty of need for it. But what did they do, they spent enough money knocking down the old one, destroying all the furniture in it, and building this new one, and the completed cost cannot be much less than if they had undertaken the building of a new one. This hospital is equipped with a three-way hi-fi radio system, a ridiculous squandering of public funds. You only have to turn the knob on the wall and you can get the greatest choice of music from the far away corners of the earth. This was not necessary, this was not necessary, this is one/ of transitory nature, any patient going in the 'hereafter' this of the translation there, and we must install the best expensive hi-fi system, the most up-to-date system available, for what, for the enjoyment and the edification of certain people.

We have in this radio system apart from the music also, we have buzzer systems, a two way radio system, not only can the patient press a button upon the wall, but you can talk from room to the other. What a ridiculous waste of money in a place as

MR. C. KNOX moved [illegible] the agreement. So what is there in this that says that Government owned land. I am going to show you where they own the land, because I do not have my map as you should be on the wall over there last week, but I do have a map, the map here is contained in this blue book, and that shows the 1,000 acres. You can take your pencil, and it doesn't need any expert to do this, and you can use the scale on this map, and you can watch that little area zoned for industrial purposes along with a half of this fringe and you will see that will come to 1,000 acres. Yet the area to be reclaimed was the entire area from Dark Pond to Lagoon Rd. and now Fourth, the marshy areas are being zoned, being earmarked by Government for agricultural purposes. So there never was, and there never will be, if I can do anything to prevent it, any title for Government to these swamp lands. And if you believe, or if you do not believe what I've just told you, take a further look at the enlarged map with all the figures, and you don't need a scale to tell you that there are 1,000 acres. So where does the Member get the idea that Government because somebody had drawn up an agreement to buy land that Government had title, no such thing.

We need to examine the practices of the minutes of the Assembly, this is not the black book, this is the minutes of the Assembly) and on page 6 of those minutes the significant questions were asked and were answered. I know it is difficult for the Members on the other side to follow this, because they have always suffered from aphasia and today they seem to have an amnesia case, but we will/going into details of this in short now would like when we come to the motion dealing with it, but just as an introduction I want to read those two very significant questions. One of those questions was asked by the late Nathan Khan of Belize Town, who was a Member of the House at that time. Mr. Khan asked how the law determined the mark of tidal swamp to be Crown Land, this same question that we are now asking, and you know what the President said, he said that private lands extend to the limit of the tidal action, and that a proper survey would have to be made to determine that mean determination. So how can anybody believe that in 1961 Government owned the swamp lands which they are now claiming. And another significant question on that same page was asked by Mr. Roy McTaggart, the man who is still fighting Government's claim to all these agricultural and swamp lands, he said - this is really not a question but a statement - in actual practice ownership of dry land gives ownership of half the creek, and that is the crux of the whole matter, unless our local system ownership of dry land gives ownership the half of creek but ownership of the high water mark does not give ownership to half of the creek.

The same argument for the last fifteen years, was just as valid our local customs, and when the land development law was passed it was enshrined in that law that our local customs would be upheld, and below through a dangerous system of asking Corozians, of people without authority asking guide lines, we find that this is about taken away from the people of these Islands. And you know what Mr. Roy McTaggart made that statement, took only dry land gave ownership or half the swamp, you know what the President replied, if you had any doubts this should set you straight. He said that there would be no claims to individual ownership of tidal lands in any cases of disputes the Courts would decide. Our Government today came out with such a astounding statement, why say that no claims will be made, when they have made claims, when we have in our possession documented claims where Government has taken through the adjudication system lands from the people of Sarteneja. This Cadastral System, which has claimed any where between [illegible] lands from people unable to defend themselves, it is a disgrace to this Government.

I will be telling you the case of a widow in my constituency who has lost or may be about to lose the only little thing her husband left her a piece of swamp land, to the worthy sum of [illegible] dollars. But I do not want to be unkind to

Hon. G. MAGO BOUGEN (CONTD.): I got into hot water over this system, and the water has been quite hot all the time, and it is now reaching a boiling point because for the first time in the history of Nigeria Lands, there are three ways to acquire land - one is by title, the other is by Native custom and the third is by the communal system. I'll be touching very briefly on this, because there is a motion on the agenda to be dealt with in the coming weeks asking this Government to give back to the people of the Middle and Eastern Districts the land which they have taken the exact land which they have taken under the Cadastre System. The Member from Bonny took about an entire day to explain to this House how the system of adjudication has been changed, I need not repeat that, but I must sum up a few points that were made. The Member responsible for lands produced a Black Book to show that in the early sixties the Government seized lands in the Rivers Area, areas lands which they used there to pay Five pound per acre, and in looking in my dusty old briefs I too came across a copy of that Black Book which was tabled in the special session of the Legislature Assembly held on the 1st September, 1961, and this book reveals to me an altogether different picture, and while I will not go into every phase of this I will keep this for next week when we get to our motion.

I would like to call the attention of this House to certain portions of this Black Book, and certain portions of the minutes of that special meeting. Apparently some company approached Government to buy some lands, and a preliminary meeting was called with the Members of the Assembly to arrive a decision. As far as my knowledge goes that was the end of the matter. The deal was never consummated, Cayman Reclamation Company never bought the land. Government never sold the land and the most underlying reason for the stoppage of the transaction was that Government did not have, and today may not have any title to those lands.

I beg the indulgence of this House to read a few lines of a personal par foreword of the Members on that historical day, that is the 1st September 1st 1961. The Government agrees to grant to the company the right to enter and survey the whole of the area described in a schedule attached to the agreement marked 'A' subject to the company obtaining the necessary permission from any persons who own land in that area and I will repeat that last part. subject to the company obtaining the necessary permission from any persons who own land in that area - whatever desirability although stated is legal jargon. That Government has not the sole ownership of the land in question.

We know that Government owns the Bight-water mark, and we know that Government had a right to give somebody to come and this and we know that this was at a time when land was just beginning to become worth while in the Rivers, and we know that the adjoining land owners would be glad to sell their land, and as Government was asking, or now leaving it an agreement whereby Cayman Reclamation Company could enter upon these lands and survey them, but this does not give Government any title to the land in that area. I also want to point Clause four of that document - The Government agrees that subject to the approval of the project as disclosed by the plans and drawings, and on the being satisfied that finances are available to the Company to carry it into effect to grant to the company the right to reclaim the land described in Schedule "B" annexed to agreement and develop stable areas disclosed by the plans and drawings. In that event the Government further agrees on payment of the sum provided under Paragraph 5(1)(a) hereof to be paid by the Company to the Government to grant freehold title to approximately 3,000 acres of the said land described in Schedule "B" attached to agreement in so far only as these lands consist of Crown Lands the precise location of which will be determined when the preliminary survey has been completed, but which will be situated in the Southern portion of the said area and will be contiguous with the Eastern side of the ship's channel provided under Paragraph 5(1)(a) of

MR. G. HAIG BOYLEN (CONTD.): official for me in the tropics, you would find other material that is more suitable, and as we are faced this year with more than a 50% increase in electricity, just to satisfy the politicians' view of our economy.

[illegible] as it is there was already spending a large sum of money I was glad provision is made again this year for new services in the estimates. What I have against the new services, and by this I mean new posts being created that as soon as one post is created, as soon as the thin edge of the wedge has been driven in we find that next year that person needs an assistant. That person needs a secretary, that person needs a deputy, that person needs a manageress and it goes on and on until that person then needs a whole department, and the service grows and grows. And we have certain departments where twelve people are needed now to do what it use was needed to do a few years ago. I see in the department of the Governor that provision is made for a new post, the post of Telex Operator or two as I know believe are not sent now received on a continuous basis in an ordinary administrative office. Cable & Wireless may need a full time Telex Operator, but I don't see in either of a bank or a store that needing a full time Telex operator, because this person would only/employed for a total of one hour per day, some days there might not be a single message to transmit, so there is no need for this post. What is wrong with the people already in the service, any secretary, any typist can operate a telex, in fact today's telex machines are less complicated than the old Underwood typewriter, and any girl can be taught in one hour to operate a telex, and if there are top secret messages that have to be sent they can be sent by the private secretary, or even the official, but the ordinary day-to-day running does not require a specialist. I know the answer to this will be that the Telex Operator can do other things in the office. But it is also true that the other people in the office could do the telex.

Other new Services I see that we are asking for an Assistant Librarian. The post of Librarian is a post that did call concern me, and this is what I said by each one being one .....

HON. M. G. GRANT [illegible] look at that item again.

MR. G. HAIG BOYLEN (CONTD.) - There needs - we have in our services now a Librarian, this year we are asking for an Assistant Librarian. It may be a little more sophisticated than Library Assistant, I don't think the assistant will be at the library, I think the assistant will be in the Librarian, but it is necessary to have a person, an additional person above last year we only had one, this year we shall have two. What alarms me about this is the point I mentioned yesterday, that although the post of Librarian was approved some time ago, and in 1973 the figure assessed for the Librarian was 7,474 dollars in the revised estimates for 1975 that post will be paid 13,340 dollars an increase of 7,974 dollars, this would be a good thing if the Budget Cannot be interfered with by myself to explain why a post like two other posts in the same department is paid 4,000 dollars more than was approved in 1975, and why it is that we have to get an assistant. Can the Librarian do all the assistance that the library needs since it is disguised as a Library Assistant, the basic fact remains, honourable members of this House, that the library this year will cost 7,000 dollars more than it did in 1975, have again a 70% increase, we only budgeted for 7,000 dollars, this year we were asked to budget for 11,000 plus 2,000 which makes it nearly 20,000. And I hold the Librarian Member responsible for this evidence, I told him responsible to keep these costs down, people must be told that you must do some work, [illegible] and not continually ask for assistant - deputies, clerks and what not.

The Cabinet Paper was instituted before I became a Member of this House, and on my very first day in this House

MR. G. HAIG MALONE (cont'd): Now, someone might get up and say that is a half a million dollars. It's a big slice out of a fourteen million dollar budget. If you want to know how big it is - it is going to take the revenue from/Stamp Duty, Revenue Dept. producing less than 40,000 dollars in our budget, with the exception of one other - it is going to take the combined revenue of The Judicial, Corporate Property, Personal Taxes, Miscellaneous Taxes, Fire Arms, Liquor Licenses, Drivers Licenses, Licence Plates, Traders Licenses, Court Fees, Court Fines, other Fees, Radio Licences, Cattle Dip Fees, Cemetery Fees, Sale of Government Property, Landlords Bank Repayments, Fees from Government Dental Officers, District Clinics, Medical Fees from the Lesser Islands, Garbage Fees, Sale of Stores, Rental from Airport, Civil Aviation Licenses, Fees from Planning Applications, Land Registry, Property Rates, Overseas Service Aid Schemes, Rents of School Packs, Royalty From Dredging, Loan Repayments and Interest on Loans, all the revenue from all these little sources will go to pay this one item. And if such Madness that is represented the significance of this I also put it in big figures. I can say that if it was not for this 446,000 Dollar figure we won't have needed to increase import duties or motor cars to give us an additional 300,000 dollars, and it would not have needed to double the taxes on motor cars or crop us 1,000 dollars.

So this is a big figure, and it is time that we look at it. Last year's budget I remember the week fingers, at that time it was slightly under a quarter of a million dollars This year the figure is up. So a close look is taken to cut back on this expenditure, and while we are spending a lot of money for contracted officers and for salaries it seems to be spending very little on training, yet a staggering sums are spent on the employment of contract officers. In a session of this House questions were brought to find out about how many people had travel to abroad to exercise now or how overseas. We see in the estimate that while the approved vote for the recruitment of staff in 1975 was only 17,000 dollars we actually spent 28,000 dollars; and year that is 1976 we expect to spend 25,000 dollars. So this thing is lop-sided, while in 1976 we will spend 25,000 dollars for the recruitment of staff, we will only spend, according to this budget, 9,000 dollars for the training of staff. Is it any wonder that we have to spend money on recruitment, and money spent on recruitment is wasted, as is like paying rent on a house, but money spent on training is putting an equity, which you will always have.

Another big item in our revenue - this is continuing the same 'There has all the money gone' - another big item is telephone calls will take 30,000 dollars from our budget this year, and that is more than one dollars per day just for telephone calls , can you imagine this Government is spending on telephone calls more money that some people earn in a month, and yet Government allows Cable & Wireless to continually put up their rates. There are two reasons for the big sum of 30,000 dollars - one is personal unnecessary calls, and the other is that we have one of the highest rates in the Caribbean. The vote for electricity this year is 200,000 dollars, that covers electricity and telephones, I assume the telephone would cost about a 1000 dollars. Whereas last year the vote for electricity and telephone was 130,000 dollars, this year that vote has been increased by 70,000 dollars and in the explanatory notes we are told that the additional 70,000 dollars is due in part to the new glass ones. I am making this point because from the days of history it was accepted that glass is a good conductor of heat, and it takes a lot of airconditioning to cool the glass house - if you wanted to build a house to solve tropical climate you would build it of grass, and if you wanted to build a house that would be impervious, the Taj Mahal or one of these buildings you would/it of glass, but if you want to build something which would be economical, and which would be

MR. G. KEITH HOUSE [cont.]: on my time I will have to reluctantly to cut out parts of my speech, which I believe can be brought back in the Second Branch early next year, or in the other measures that are to come before this House after the meeting of the Finance Committee, and outside I am indeed to return my seat. I will be very kind to the Members and very kind to the Budget that now sits and to the time of hereafter. I will go no later than this speech which I proposed on the new tax measures, until we come to deal with the new matters that are on the agenda for this sitting.

One great popular subject on the island is the Interbank song 'Where has all the money gone' that might well be sung by a certain member of next year's Budget. I have pointed out some areas that take large slices of the budget, and the one I would like to deal with now is payment of gratuity to contracted officers. This year we will pay nearly a half million dollars in terms to contracted officers. The exact figure is 466,000 dollars as compared to what our actual expenditure in 1974, and while this increase of 100 over our actual expenditure in 1974, and while this is itself is alarming it also alarming, cause us mind to notice what an increase in 1975. In 1975 we forecasted for this expenditure a sum of 240,000 dollars, but I noticed from the revised estimates that we will actually spend 350,000 dollars or 110,000 dollars more than was budgeted for, an increase of 46% over the actual budgeted figure. The money which we expend this year will go to a hundred and twenty-nine contracted officers this means that they will receive an average of 3,685 dollars and ninety-five cents per this/their/ employers anniversary present. It means that the highest paid officers must receive in gratuities more than the highest paid officers must receive in gratuities more than twenty thousand dollars per annum.

I don't know where. Committees should be given for certain jobs. It should not be paid to every contracted officer. If the job is a highly sophisticated job, if it is a job/that involves a great amount of risk, by all means there should be a salaries or security at the end of the period, but I feel we are paying these many officers gratuities and I feel that we are paying too much. We are paying a sum upto /45% of the salaries which they earn, and this sum is too much. It should be reduced to fifteen or twenty per cent. This is/far greater in proportion to the sum we pay to our permanent officers. This sum is many times greater than what we pay to pensioners who have put in a life time of work. Most of our pensioners today are receiving their pension for thirty years labour in the Government service, whilst the contracted officer puts in working-life retirement service, at the contracted officer puts in working-life retirement service, at the end of three years, or may five years and by receives a handsome sum of three years, or may five years and by receives a handsome sum of money. I believe the total sum paid to our pensioners this year is money. I believe the total sum paid to our pensioners this year is something just around $1,000,000 dollars, while we are paying four times as something just around $1,000,000 dollars, while we are paying four times as much nearly five times as much for gratuities.

Now if the figures for gratuities remain as they have risen since 1972 we will find that by the year 1976 we will/paying for gratuities a sum equal to what we were paying a few years ago for our total services. How can we put a stop to this? We can do it by training and educating our own people to take the jobs we can take when that a contracted officer is brought here that he is supplied with an under-study who will take over the job when he leaves. Because these on the ways of pensionable other labourers will not have to be paid a gratuity, they will be paid a pension at the end of their services. Of course, I am not now that would say give the job to a local unless if the local can't handle the job, I believe in efficiency and I believe if our Government service is to do well we/have the right person for the right job. So we must find the right people, educate them/give them the training they need and when they get this training we must give them the job.

So many times this Government has spent money to send people abroad on courses, and also they come back these people, these well trained people are given such a hard time that they are forced to quit the service, and this is what is costing this Government so much money.

T U E S D A Y

25TH NOVEMBER, 1975

10 A.M.

MR. PRESIDENT: Please be seated.
Prayers were read.

MR. CHADWICK MOYNE: Mr. President, before we resume the duties of the House, I understand a little while ago that there will be a funeral in Chicago some time this evening around 3:30, and I feel that more or less all Members would like to attend this funeral - it happens to be Mr. Harold Fenton's daughter that has passed on and he was a very active Member of the House for a period of years, and every Member being well acquainted with the family and this unfortunate thing, I am wondering if the House would give consideration of probably adjourning at 2 o'clock to attend this funeral.

MR. G. HALE BOGGS: Mr. President, I take it that is more or less a motion before the House, and I would support that.

MR. PRESIDENT: I am willing to take this as a motion before we start today's business - it is without notice but I will allow the Honourable Member to put the motion. As Chairman anybody who would like to talk to the motion - the House, because of these unfortunate circumstances remain suspend business at the end of this morning's proceedings.

MISS JANET D. WORTH: Mr. President, I think it would be quite in order if we would adjourn at 2 or 2 30 for , after all many of us have very sympathetic in the case, and personally I would have to attend myself this afternoon I feel that it would be my duty to go, and I feel other Members should feel the same way.

MR. PRESIDENT: Unfortunately I must declare that I personally have made engagements for I think so if Members wish to suspend proceedings I think we will simply adjourn at the usual time at the end of the morning.

Is there any objection to doing that? It means I think that we would complete the Budget debate tomorrow, and perhaps/Wednesday morning I think, allowing one day's gap if we finish tomorrow that will be Wednesday, allow one day recess the House sitting - on Thursday morning.

Well I'll put the question that the House should terminate its business at close of play this morning when the Honourable Chief Secretary puts the motion for the adjournment.

QUESTION PUT: AGREED.

MR. G. HALE BOGGS: Mr. President, I didn't know that I would take this turn, and while I had informally said to you through the Clerk that I would endeavour to finish at the usual hour this morning, I think I can go on until lunch, or probably even into tomorrow, but I see that the Member from North Side who is the only elected Member that hasn't spoken will have entertainment also, and will also give the Financial Secretary ample opportunity to wind up so that we can finish the debate tomorrow, but by having to cut down

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MONDAY, 25th SEPTEMBER, 1972

PRESENT WERE:-

His Excellency the Governor, Mr. Thomas Russell, CBE - Presiding

GOVERNMENT AND OFFICIAL MEMBERS

Hon. D. V. Mackay, OBE., JP	First Official Member
Hon. C.L.Armstrong-Cole, QC.	Second Official Member
Hon. P. C. Johnson, CBE	Third Official Member
Hon. G.D.Dodsh,J.P.	Second Elected Member, Geology Mining (Member for Works, Communications and Public Transport)
Hon. Tsaiyuk Kwong	Third Elected Member, Leader Designate (Member for Co-ordination and Organization)
Hon. D. Gibbons	Fourth Elected Member, Agriculture (Member for Education, Health, Social Services and Tourism)
Hon. M. J. Cowdell,OBE.,ED	Sixth Elected Member, Fiji and Rotuman Affairs, Mines, Agriculture and Lands

ELECTED MEMBERS

Mr. T. M.Ebrahim,OBE.,JP	Fiji Electoral District, West Nav
Mr.Isoa K. Nasilivata	Fijian Electoral District, West Nav
Mr.Sakiasi Qoro	Fijian Electoral District, Central Nav
Mr.Stanley Tuck	Rotuman Electoral District, Lau
Mr. James Sharma	Indian Electoral District, Southern Nav
Mr. S. Ebrahim	Indian Electoral District, Northern Nav
Mr.Siddique Koya	Fijian Electoral District, North Nav.

ABSENT

Chief Jo. N. Reid - Ill

TUESDAY, 25TH NOVEMBER, 1975

CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT

WEDNESDAY, 28TH NOVEMBER, 1979

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, CBE - PRESIDING

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. V. WHITLEY, CBE, JP	FIRST OFFICIAL MEMBER
HON. V. D. JOHNSON, CBE	THIRD OFFICIAL MEMBER
HON. A. T. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, LESSER DEPENDENCIES (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. BENSON O. EVANS	FIRST ELECTORAL DISTRICT, WEST END (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)

ELECTED MEMBERS

MR. T. M. FARRINGTON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST END
MISS JANIE M. CAMPBELL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CLAYTON W. TIBLE	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. HAIG BODDEN	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. CRAWFORD DEARING	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDER OF THE DAY

WEDNESDAY, 26th NOVEMBER, 1975

CONTINUATION OF THE DEBATE ON THE FINANCIAL STATEMENT

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WEDNESDAY, 26TH NOVEMBER, 1975

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

DEATH OF CAPT. ALVA ASHTON REID

HON. TREVOR SUGDEN: Mr. President, Honourable Members, before we move into the business of the day, I assume that the President and Members are aware of the death of Capt. Reid, the Member from Cayman Brac and I would like to move a motion that one minute's silence, in respect of the deceased Member of the Assembly, Capt. Ashton Reid be observed.

I am told that the funeral will be at 4 p.m. tomorrow at the Presbyterian Church in Cayman Brac. I am sure that all Members will be attending and I would suggest, Sir, that, as was done in the case of Mr. Clifton Hunter, Members form a Guard of Honour outside the church at the end of the service.

Mr. President, I would also move that a wreath be sent to the bereaved widow and family from the President and all Members of the Legislative Assembly.

HON. BENSON O. EBANKS: I would second that, Sir.

MR. PRESIDENT: The motion is that the Assembly holds one minute's silence in memory of our deceased colleague, Capt. Reid, that a Guard of Honour be formed by Members at the funeral tomorrow, that a wreath be sent on behalf of all Members of the Assembly.

HON. D. V. KUTLER: Mr. President and Honourable Members, I take it that also a wreath will be sent from the Black Mountaineers the Sorrow of the Sound and the Consolidated of the House when the wreath is being sent.

MR. G. HAIG BODDEN: Mr. President, if it is possible also recommend that the House stand adjourned today. I know the Member from North Side is much upset about Capt. Reid's death and as he was speaking this morning I think it would be fitting if we adjourned for the whole day. I would also like to add that as far as I am aware this is the first time in the history of this House that a Member has died during the actual sitting, and I fully support the motion put forward by the Member from Cayman Brac and would hope that it would be intended to add that the House also stand adjourned today.

MR. CLAUDE M. HUBA: I second that, Mr. President.

MR. PRESIDENT: Is there any other comment on that suggestion for amending the motion that the House rise as a mark of sympathy?

HON. M. G. SMITH: Mr. President, Honourable Members, I see the situation we are all in here, but it means evidently that the House will have to be adjourned for two days. I wonder which of the two days we would prefer to be adjourned. I don't think we can afford two days in this sitting as things are very tight just for the budget and Finance Committee and I was wondering, Sir whether we wouldn't take into consideration that if we adjourn today that we resume tomorrow morning until the luncheon adjournment for the balance of the day, because I am sure everyone here will want to attend the funeral. So I think we should, Mr. President and Honourable Members, come to some agreement, whereby we use as much time as possible. We are all very sad at this occasion of losing the Member, but then again the

HON. A. B. REID (CONT'D): Business of this House has to go on and although we want to show our very best respects on this passing, we really want to see that the business of this House is expedited as quickly as possible also.

I would propose, Mr. President, Honourable Members, that it be still that we adjourn today but we resume tomorrow morning at 10 o'clock and we carry on until 1 o'clock tomorrow when we adjourn the House.

MR. SPEAKER SPEAKS: Mr. President, if I may say right in something of which I had in my mind that we probably would do and I still, and in fact I would delete, all down on much of the notes that I had made and when we resume tomorrow morning then do a bit of briefing and move on into Finance for a couple of hours, as the case may be and then, as proposed, adjourn at the lunch hour. I do feel, Mr. President and Members this morning that with another very close friend of mine passing on in Boulder Town last night that I don't feel very well able or strong enough that I should attempt to say what I would like to say and I would appreciate Members giving some consideration to this adjournment for today, at least.

MR. PRESIDENT: I think that the proposal is that, in addition to the early part of the motion, that the House should rise this morning after condolence's silence and should resume business 10 o'clock tomorrow, which will be the day of the funeral but in any case, we only expect to have about half a day's business before moving into Finance Committee.

Can I put the motion as now motion?

I put the motion as amended with the three suggestions moved by the Honourable Member for Canyon Creek and as amended by the Honourable Second Member for Boulder Town. So I will put the question.

QUESTION: AGREED. MOTION PASSED.

ONE MINUTE'S SILENCE

THE HOUSE STOOD FOR ONE MINUTE'S SILENCE AS A MARK OF RESPECT IN MEMORY OF THE DECEASED MEMBER OF THE LEGISLATURE, CAPT. A. B. REID

ADJOURNMENT

HON. D. L. MILLER: Mr. President and Honourable Members, I beg to move that the House do stand adjourned until tomorrow morning at 10 o'clock.

HON. P. G. JOHNSON: I beg to second the motion.

MR. PRESIDENT: The motion is that this House do now adjourn. This is being done as a mark of respect for Capt. Ashton Reid, our colleague, now deceased. I shall put the question.

QUESTION PUT: AYES. AGREED.

MR. PRESIDENT: I've given instructions that flags on Public Buildings will be flown at half mast tomorrow the day of the funeral as a mark of public respect for a man.

AT 10:20 A.M. THE HOUSE ADJOURNED.

M I N U T E S

THURSDAY, 27th NOVEMBER, 1975

PRESENT WERE:-

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

GOVERNMENT AND OFFICIAL MEMBERS

HON. D.V.WHITLEY, ESQ., JP	FIRST OFFICIAL MEMBER
HON. W.G.JOHNSON, ESQ.,	THIRD OFFICIAL MEMBER
HON. A.R.BUSH, ESQ.,	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT).
HON. JUNIOR POSTS:	THIRD ELECTORAL DISTRICT, LESSER ISLANDS (MEMBER FOR CO-ORDINATION AND INFORMATION)
HON. MRS. [illegible]	FIRST ELECTORAL DISTRICT, WEST END (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR).
HON. W. W. DONALLY, ESQ., JP	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, MINES, AGRICULTURE AND HOUSING)

ELECTED MEMBERS

MR. T. W. FARRINGTON, CBE., JP	FIRST ELECTORAL DISTRICT, WEST BAY
MISS ANNIE ELIZABETH	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. [illegible]	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. BODDEN	SOUTH ELECTORAL DISTRICT, NORTH SIDE
MR. [illegible]	NORTH ELECTORAL DISTRICT, EASTERN SIDE
MR. [illegible]	SIXTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY

THURSDAY, 27th NOVEMBER, 1975

1. [illegible] THE DEBATE ON THE FINANCIAL STATEMENT.

2. CONSIDERATION OF THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR 1976 TOGETHER WITH THE APPROPRIATION BILL, 1976 TO FINANCE COMMITTEE.

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CONTINUATION OF THE DEBATE ON THE SECOND READING
OF THE APPROPRIATION BILL

MR. DERRICK EDWARDS (continuation of debate)

Thursday, 27th November, 1975

10 a.m.

MR.PRESIDENT: Please be seated.
Proceedings are resumed.
Continue the debate on the Second Reading of the Appropriation Bill.

MR.CORDOCK replied: Mr.President and Honourable Members, I will not be too long in my debating the Budget Speech. I have reduced some of my notes - I will make some of my observations a bit shorter, taking into consideration all the proceedings and the need to continue in the other sector of our budget. So I will go straight and speak briefly on some points arising out of the Budget address.

It seems like my colleague on my left robbed me some place of mine of my notes and since he has so elaborately covered up some of the things that I intended dwelling on, I will skim along from some of these things even if I touch briefly.

He went into detail into our financial circumstances and his argument, his figures, brought out a lot that will well bear water, as we use in our saying.

We have before us proposed bills of taxation and again, Mr.President, I must say and I will say that I am not here to oppose taxation when it's brought at the right time, in the right manner and on things that will not badly hurt, I would say, the population on the whole.

It has well been stressed that whatever might be the amount that motorists, vehicle owners would have to pay in the new year it won't affect their budget, it won't affect their planning. But, Mr.President, I will stress it, Sir, however little, it will hurt. And the public will pay for it, as always. I do feel on the eve of Christmas it was a wrong time to bring such taxation, with such major increases, because we have many a family in our Islands, that have been planning for the past six months, say Mr. Laying a few dollars aside to do something another for Christmas, to make life a little bit more comfortable, soon, plans, and now they are faced to accept what has gone into effect. I would have thought, Mr.President, even though the bill was brought at this stage and it was passed, I honestly feel that any such bill to be passed here at this stage should only come into effect in the new year, 1976.

Regulations governing traffic - it seems here will come into operation on the 1st day of January, 1976 - as has already been spoken you can go and inspect your car but we are not going to accept any taxes. Very unfair, Mr.President, very unreasonable. Even we have regulations in the law it has been straddled to where you can have your vehicle inspected from the 1st of December to the 31st of January and pay your taxes for seven at quarterly, half year or full year. Now, on this bill that has come before us, that has been passed and come into effect, as I said, it has already been stated, that they will not accept any taxes until 1976.

Mr.President, I hope it will, like many other things, work out, because I would venture to put my head on a chopping block that there are people into this island that will get their vehicles passed and pay the present rate of taxes before 1976. And I hope, as I say Mr.President, it will look nice. Because, something has to come to bring something to an end. No Government should operate under any system where corruption may be inclined to operate - we can't continue to have a good government, we can't continue to have a clean Government, we can't continue to have a satisfied people, if these things have to continue - and they will.

When we met not so many days ago with the Commissioner of Police the Supervisor of Police that visits the Island occasionally, he went into detail on certain things, and I just as a reference, drew attention of one thing that was happening with the Police. We blame the Police, I myself blame the Police some-

MR.TRADDOCK EBANKS:(CONTINUING) Right but when the Police are not upheld in their duties, then it becomes discouraging to them and the public has all room to criticise and when they see things need to be done and are not being done, and they are a bit negligent about it.

When a Police attempted to give an expatriate a ticket for a No Parking area then the man went directly to the traffic Department and gave his grievance to the Officer in Charge - he threw it out, straight about it.. if that had been an ordinary individual from the street, as we term it, he/she would have been looked up, if he went there to argue with the traffic officer to have his case re-considered. Smell of corruption, Mr.President,

In this year's inspection, one has operated, but one got a bit belligerent with some inspection certificate, an English girl came in with the same problem because it was requested over here where it was then being carried out - she was given a . . new inspection certificate and the other shop has to carry out an inspection again. Corruption, Mr.President, I hate to use these words, but it don't spoil anything else, Sir. And I suppose, Sir, if we have or plan to continue to have a good, clean Government, we must keep our house clean. We must keep the Departments clean, or the Department that is responsible, the Heads that are responsible for these Departments to see that it is kept clean, to see that the duties that are being paid by taxpayers are carried out, without fear or favour,

I am sure, Mr.President, we could have found some other avenue of taking the people - we would have gotten a lot of money, in my opinion, and it wouldn't have hurt very much.

Luxury is something we don't have to have I am not saying that we shouldn't have the best of anything that we can afford or some place to go, we have a number of theatres who not considered to put some tax per seat at these theatres. If they can find the dollars, these dollars to pay nightly, I presume many of these go that way, like the carpeted cinema, AC or A seat these customers wouldn't mind that.

My colleague, the First Elected Member of the Executive Council, its part of his livelihood, probably fifteen cents on his. We have the drive-in, probably ten cents on that and this for one year would have put more revenue thousands and thousands and thousands of dollars and it wouldn't hurt half as much as what is being imposed by this. They are thinking in terms that there will still be probably an off industry, Bulk shipping, Miami, what-not at our Sister neighbouring Island, Little Cayman - there are good grounds for good ownership, taxation and other avenues that we could have gainful support, and had it better worked out and it wouldn't have hurt half as bad.

When they say that it won't hurt the vehicle owners, or it won't tax the vehicle owners as much as it will hurt the public - if we had a system of public transport, it may not hurt many people so much then, but when there's only one means of getting back and forth to work, to pleasure , to church, to funerals do anything, its by a motor car.

The taxi driver - does anybody expect for him to pay double, treble, taxes the same as anything vehicle owner - rates will remain the same - how could it be expected?

When the bread operator charges the supermarket another $10 for a trip, then is not the supermarket going to figure that $10 into the goods that the public is obligated to buy?

How can we say it won't hurt, they won't mind it, they won't feel it - we all will feel it, Mr.President.

A gentleman came at this Island approached me two days ago - "What should we do about the election? Because there are a few people in there should be moved out now". How should we go about it. " I said, "By quiet law, with regret,speech and duty and

Mr.Craigen moved (unanimously): hope to see the next election and attempt to do what you want to do or you can't do that. But presently under our Constitution there is no ground, no room for the public to do anything short of election, unless by number, unless he becomes criminally involved, a criminal act, criminal behaviour, then if the public is not satisfied with an individual in such as that then you can take your grievances through some place as such the Governor and you may get some satisfaction. But presently, there's nothing you can but hope and wait.

"Well, I will be campaigning too," she said. I don't know for a year or what.

Mr.President and Honourable Members, we should realize that we are not the only ones in here, who have, supposedly an overall burden of common sense. Others on the outside have a bucket full against myself having half a bucket. Even though I don't even am here up here as I would like to see. They get on to some of the things that have gone on, and they can understand.

As I said, in the beginning, Mr.President, I had quite a lot of notes and what not but I intended to put down and I still will stick to that.

We had a bill before us, as well, to exempt the Provincial Penitentiary - it has gone into effect to avoid any to eliminate the improper land-speculating, profiteering and what not, I suppose. Mr.President, I again can't agree with this going into effect. If we use that desperate, financially, then I think we had better go back into the Baltistes or at least, the Firebrain Secretary and see if we can't put this by half. Why should Government take the people that has spent whom. Why not be fair. If you can't get along then how will they get along - then it will come back but we have to pay for it again and as I said, particularly at the threshold of the House. If what Government may gain from this, if we wouldn't survive till the first day of January, 1976 for this to go into effect, then our misunderstood are bad.

This has taken the impetus probably if he had known this was coming up, and I feel, Sir, since it has come up with the intention of putting it into effect they ought to have been warned to get their goods out of the warehouse if they [illegible] extra attention on it. Lets be fair to people - lets be honest to our tax-payers. Why take that as the old saying goes catch them with their pants down and then they can do nothing to put it up.

Then we wonder why rates go up. Something has been said in the Budget Speech as to cost of living, dropping down by some small fraction, but the public hasn't got to see that yet. The person himself changed to that extent.

Mr.President, and Honourable Members, much has been said about the Development Plan. I will say a little bit about it myself. You know we don't go through life without planning and in our every day we plan days ahead, weeks ahead, so that we may be able to view the things we plan to do, the things we want to do and the way we want to do them, that we don't plan one day that we'll go to Gander like the next day, and when you get up, instead of turning west, as the case may be, you turn east, that's something of our plans. It just seems to be to some great extent that we would like for a plan.

So has well be said in the infancy of the Smallwood Survey people would suffer, people would get the bad end of it, and primarily the Eastern Districts - as always, with all things. It appeared that one of the major reasons why they proposed Zonal across the land was to divide the East from the West. Probably it would on balance because we in the Eastern Districts did live loving, happy, sentimental and I believe we got along as good and better, along many lines, than this end of the Island did without the Eastern Districts.

Mr.Chairman (Interjection). It was the commercial end of the Island. If you wanted a lamp-wick pole, you wanted a house-post, you wanted a house-frame, you wanted a timber to build a ship, a cat-boat, you wanted fire-wood, you wanted yams, you wanted cassava, you wanted watermelons, anything was wanted, you had to go to East End and North Side and get it. Yet now, when you talk about agriculture, like I said to the Honourable Member a few days ago, "What are you going to do to help us maintain our roads?" "No, no, no, that's private road" - then we are talking about supporting agriculture.

Some one has taken the initiative, has spent thousands and thousands of dollars to push a road through the area which happens to be where I live and fortunately enough it has gone through one of my deceased family property that I could drive now and cultivate it. Because they have spent that amount of money, one man and a half miles of road, then the Member responsible for Agriculture can say "It's a private road, we should get together and do this road do this road cut in the same breath. We are going to support agriculture here. We are preparing land for agriculture. Two-sided can say of us be.

It would be good, Mr.President, if some of these portfolios were given to some members on the public, they would do and take as much interest and do as well about it, but I can assure you, Mr.President and Honourable Members of this House, as far as I know how my blood pressure is still good, and I can assure members of Executive Council whatever votes under this portfolio that pertains to my area, in the year 1977 I am going to see that they get a reasonable portion out of this budget because I am going to stay on the backs of those where they are responsible till some spend what should be spent in the district of North Side, whether it is for agriculture, whether it is for land, or whether it is for roads, or whether it is for townhalls, schools, post office or what not.

I was told in the estimates where $1,000 is provided for improvements at Town Hall, for Town Hall. "H". The last work that has been done on the Town Hall, North Side has been a year and also the President of this Assembly visited the District for the first time, the floor was painted to try to stave the eyes of the door of this Island that all is well in this community.

Mr.President, it will take more than $1,000to renovate the Town Hall of North Side, it needs new windows, it needs floors - the roof is bad and what not and I'd like to see the job that Public Works can do for $1,000. You can almost put it in your pocket.

Now, Mr.President, I was going into this in detail anyhow on the Finance meeting and I can assure you and I will ensure the Member responsible for this that on the 2nd day of January I will be endeavouring for that work is to be done on the Town Hall, and it isn't going to be postponed after the 2nd day either. As I just said a few minutes ago, I intend to be a bornet, a wasp, or anything else in the backs of Members for the benefit of the Island as a whole and particularly when it comes to the district of North Side. I am not going to sit down. What I don't mean to say that I have some text but relax and take for granted and wait impatiently. I am not going to do that anymore.

In February this year when the clinic was opened at North Side I pointed out to Mr.Foster, who was present, that I was like a light post here for the benefit of the premises - "Oh, yes, yes, we'll get that". Ten months gone and it was only a matter of buying a very short pole, because the Town Hall has current, to put a light there - ten months gone - one light.

The last couple of years, I asked for a toilet for the Town Hall. When you are going to have a meeting of any consequence or somebody visiting, like the Treasurer of the Assembly, you have to put

Mr.Speaker, Sir, I would like to borrow a table. For the sake of ten or fifteen minutes.

It was months ago I went into West Wind Building and said to the Principal Secretary " I want a table for the Town Hall in North Side". "Just wait a little bit , When we are moving out of here you'll get one of these". The week Government staff moved into the new building (which I am proud to know that they have moved in to some more comfort and I hope their work will be remunerated to the public with the convenience that they have). I said "Where is the table that I was to get?" "Uh - er - Uh (Embarrassed - laughter) I don't know if they have either one left . I will get in touch with the Public Works and find out" When I walked out of the office, walked into Mr.Cooke's, Director of Public Works, I told him what the Secretary intended concerning him/me. We go back there - "Yes, I'll have one made". We never got it yet. Now, I will go along with it for the next four weeks, five weeks but it'll be another round of Lobster until I get that table as well, because as I have said, I am not just going to leave these things alone. It's going to be a weekly conscience.

My people, the people of North Side have never been considered in this know - we don't expect to pay what West End pays, we expect to pay what George Town pays, but let us get our portion. Whether it is ten dollars, fifteen dollars, lets put them end don't have to fight for it. Don't ever take no for an .

Mr.President, it is time for some of these things to be changed and they will be changed - I can assure you that Sir. I am going to persevere to achieve, stay within the law but I am going to get or get close. one of the two - I don't know which.

We have a road programme - I don't know which programme is when programme it means, because we have so many seemingly more pressing wants and, as always, each member wants to take some subject or subjects as an item for pet subject. I remember my deceased colleague on this side, when every time we met here, I believe, he used to take the opportunity whether it was afforded to him or not and referred to water - this was his pet subject. Roads has been one of my pet subjects. Along with my colleague, the then P.W.D. Member of Executive Council, I don't believe we had two members in the House for a long time that agreed in principle about road construction, and trying to take every effort to see what could be done about roads but it seems to be a break-down time always.

Mr.President, just for a little bit. Remember of the first road construction in this Island. In 1959 or somewhere round about there, nevertheless the today mentioned, when I got to about three and three quarter miles or French Sound on North Side. Which under, I am not quite sure, 1971 or 1972 or round about, 1981 or 1982 as the case might have been, the remaining approximately nine miles of road remained there for a period of two and a half to three years just in its dirt condition. And in fact, Mr.President, that remaining piece of road was started by Government, the Foundation laid, and I was I remember the time in August, 1964, the previous box I could go back now, I had it back out from the Station in August, 1964 and this is '75 - 11 years, approximately 1 mile of road was left to be done about because to Frank Sound Road.

Must I be telling the truth, Mr.President, if I said we still have seven hundred, eight hundred feet of road left there maybe to complete, after eleven years? If Government even spent $2,000 a year on that approximately a mile of road, over the past eleven years, would have been $22,000. But in my opinion, Mr.President, it has cost and they have spent far more than $2,000 a year, it would well have been $5,000 a year. On approximately a mile of road over 11 years and still not completed. How many hundreds thousands this Good Government intend to spend on this one little portion of road? Winding round is the main

MR.CHAIRMAN DRAKE [CONTINUED]: word for it, according to most members so I don't suppose I will find that word,only if you have spent the money and haven't got the result.

Mr.President, all human beings are human beings, some can stand more than others, but I would like to draw to the attention of this House to the honourable Member before I make any further remarks on this road construction, road building, road maintenance, road looking after what not. Mechanically there seems to have been an indication of a small march, if you want to call it that. I would like to remind this House that I well remember when the Land March came about my colleague was the Surveyor-General and as well as I was, yet he is prepared to slight the people for it now. Your Government were ready to put in the roads, they wanted to extend it three feet, outside of where they have it now, in the mind, was demonstrated against it - myself and my colleagues. The Town Planner stayed out of the picture, he gave them the authority,and apparently public works must have supported it - they wouldn't come on the scene, After they moved back then to make the cuts they intended putting on it. In another day or two my colleagues and I appeared there again to stop them. What I am trying to say, Mr.President, is this we and the people have worked together, we appeared to have seen eye to eye a lot of times, but I see cracks are when the small demonstration.....

MR.PRESIDENT: I must remind the Honourable Member that the conduct of Members of this House cannot be raised in debate under standing Order 28.

MR.CHAIRMAN DRAKE: Thank you, Mr.President, but I cannot say that I am interfering with the conduct of the member. Sir, I am only trying to point out how behaviour - and if I cannot behave as a public, Sir, I am due for criticism and I am expecting it by my colleagues. There's a way to do things, Mr. President, I didn't know anything about this demonstration and I am only trying to say, it appears, Mr.President, that they are trying to cheat the people of North Sofa, when it comes on roads, to appropriate them to do things that they didn't intend to do. Because, I will be dead for 11 years and still get the VAT back there and have already raised hundreds of thousands of dollars in it, Mr.President. How can I be satisfied or my people be satisfied? This is what I was going to say, Mr.President, and I am going to be in the next demonstration. If the Member can't inform me honestly that in the very near future this Government is going to finish this piece of road, that there is going to be a demonstration and I am going to be in it. I was accused of leading you, but I am going to lead this one.

When the Public loses confidence, confidence in any member in this House, if it is over me, I don't have any more business to be in here and they want to be out of Government, because when the confidence is gone then we don't get any place.

The 27th of February this year the first load of box mix was dumped on the West Bay road, which I would have to say, Mr President, by the direction by the guidance of a qualified civil engineer, responsible to the people for road building, and he told elected members, including myself, " I am planning to do approximately one mile of road per week". Come from February till the end of November - see how many weeks you have. See how many months you have - and we have approximately eight miles of road done, in my mind. If that is good calculating, if that is good figuring, if that is good arithmetic, if that is the fruits, the knowledge of knowing, if I had the money I would pay them off and ask you to please resign them boys. We've been enough money - the Financial Secretary can tell me I say that the roads will stop when the money is finished - and it is going to stop only a time, because under the agreement, under the arrangement, under the swearing that minister makes, if it is not changed, Mr.President, but we will then be going on providing millions and millions and millions.

MR.[illegible] KNAPP ([illegible]) The worst roads in this country when the Soviet asked help from Denmark including George Iron-

Mr.Speaker, could any engineer, anybody, satisfy me, how a gateway from public by doing the best roads first? And leaving the bad roads? If it wasn't good for my own sake, it looked like they should have done that kind first for the sake of trying to save Public Works' [illegible]. But the conditions of the roads roads roads [illegible] material over, day after day, week after week, just tearing them to pieces. Destroying them - no wonder the maintenance of motor vehicles of any kind is so high. When they destroy, they are beaten to pieces, not skilfully but the worst condition, for anyone who has any interest in Government, is the people, that if they couldn't drive even that road from Dawson to Granpa Town, including whatever else, needed to have been done first, then we better get a new [illegible] in here and get them for some treatment as for some examination before starting yes to be sure, Mr.Speaker. It makes it work if it is a valid act.

All is not well, Mr.Speaker, and, as I said, if heads of departments don't take up, work and see that work is being done and things are not in a [illegible] manner, in a haphazard way, in a sloppy way and what not, then things will go wrong.

How since Motor Licences came into being did Government provide any safety measures for the pedestrians? All they were like put a penny's worth of paint for the public, say 'this is your road to walk". It was always "Wait until we get roads, wait until we get roads, and then we will do all of this". They don't want to be involved, [illegible], but three quarters of what is being done, Mr.Speaker, is on a temporary basis, because they go over and over and over and do the same thing, so what else does it boil down to but a temporary basis?

It has been said by some members, we shouldn't criticize, then what should we do? As I said the other morning, stop glory hol[illegible] all the time?

I give my service for a few hours and I have done it free. When we went in Mayo [illegible] to see the layout of the first coats of the [illegible] road. When I went back in town to get into some place ... pick, through the window of the caterpillar again, those that we can't share anything with, I got one of the windows of my glass smashed in one of the signs, traffic signs on the road, just as this[illegible]. Dollars as round about, I never asked no payment for it. I don't intend to ask for any, but when I really reviewed the picture then and saw where they have gotten these signs planted, an obstacle to motorists. [illegible] in the front of the Bank of Nova Scotia, there is a traffic sign there, sure it is in the middle of the bank, and that traffic sign is planted 12 and a half inches out from the curb, the plate being 24 inches, makes it another 12 inches out of that, that is sticking out into pedestrian being an obstacle - how many vehicles haven't crashed into it. Why not could it have been planted against the curb that would have given less parking, moving out and getting out by that car was fast. One right on the corner of Kirkpatrick, with a no entry sign of road right across it, you can just walk on and hit your face in it. The one of the corner, where used to be the Tourist Travel office is where I cut my windows smashed, standing out there in the road, they expect those long vehicles, thirty-five, forty, and forty-three feet long to make a curb as short as a bird like - give no consideration.

Mr.Speaker, we had major developments over the last three or four years - we needed a lot of people and towns were [illegible] opportunities for a lot of people to come in, obtain, but since development is starting off, in long term, the closing time at hand when the Territorial Bonds should go into this in detail and see what can be done. I don't know sir, Mr.Speaker, that they should just grab

MR.CHADDOCK knocks (illegible) people by the shirt collar and say "you get out of the country" - no, to put it in a good way but try to call our labour situation so that there (illegible), regardless of what nationality, they can keep moving (illegible) our own people will keep obtaining the jobs. We are to live here, but I (illegible) - we have many a foreigner who would like to reside, there are many attempting, they are many planning to reside in our country, some of this is good, (illegible). For whatever thing Government should (illegible) close, keep a good look (illegible) to be bringing in people that there is a possibility of finding in the Islands (illegible) jobs, whether it be a new one, a new post, a vacancy to be filled, or what not. Government should be very careful about that.

So just, I have understood (illegible) Deputy to the Establishments Officer - I shouldn't agree with that, Mr.President, would it be that that Department has that much work, that much applications to deal with, that many recommendations to make to Government or the transferring of Civil Servants from one office to another, or (illegible) to another, or from one post to another, that it needed a Deputy to assist her? And even so, if there was a need, as many Civil Servants as Government has, and as has been stated here this, it seemed to be a little bit (illegible), then you wouldn't find one to fill this post without bringing in a new one?

What I see, Mr.President, is that, is that somebody will be shielded, as it were, to say "he wasn't in - it was so and so".

We have got a Bank Manager for the Government Savings Bank. I can't see the need for that myself, Mr.President. Or one clerk more or in such a bracket. When a vacancy was sent out, like always, when Government sends out notices asking for applicants for any one place or another, (illegible) built, as well versed and trained, (illegible) to fill the (illegible) of our own local people. You see we are saying that we want to educate our boys and girls - we want to educate. When we (illegible) can do this, they can do that and they can do this and do everything. When they go to college and somebody with their Cambridge lessons - they are back around - willing to see if we can find some place to put you - and what not.

With all the young men that have gone out into the field of banking, our local boys with their experience in knowledge now in banking and the position that they are holding some of them in the banks, I am sure there would have been some if our boys would have applied for that job if they hadn't put the stumbling block in it - must be thirty-five years old.

Mr.President, when will our Members that are responsible for doing things kind of things wise up to the fact and say that this job is for our people.

His very successful (illegible) - he was examined a few hours before the Board met-"You know you haven't sent in your application yet?" Fill out and drive by some sector of some Department because he was going to leave the bank. He had a house here - he doesn't want to go back Barbados - he didn't want yet Jamaica - he wants to live here. All sudden - peace and quietness - luxuries. At given charge, I know, Mr.President. Saying with the approval, Mr.President, to the (illegible), the Financial Secretary, if for ten years hence he should resign (I hope his years will be many), the very Manager, now in Government Savings Bank, will walk straight into the Financial Secretary's shoes - that is my opinion, Mr.President, and I hope I live good many years yet. That's not being fair to our people.

- would cite a number of those very names, very incidences, and some of our own people, with regret, would later be smothering and stifling and to keep our own people down.

Recently, when they wanted a Mechanical Engineer for Public Works Department, when I said to the Principal Secretary two weeks Monday, answer some questions about this, when it came out in the press, came out on a Thursday evening, on Friday

MR.EBANKS SHANKS (CONTINUING) ...certainly the first thing I went to my office and asked him some questions on this. "Well, you know, as and as has already applied for this". A position like that. However a ch. however applies, however low, that applicant get the full details and number on what Government wi do for you, what you can obtain and what you can get and what not.

Mr.President and Honorable Members, again I repeat, if there truly are not the seed of corruption in this Government then it is something worse. The Principal Secretary could say "Well, you will have to go overseas for six months' training in diesel" (because that was what was required - get out diesel technology). They had a number of applications and the very applicant that made the qualification before the matter came out to the public was the chosen applicant. Why? Because it was so manoeuvred, it was so worked out, it was so cut and dried, between party and party concerned that what is the custom also, applications to be opened the hand of Department to have to make recommendations that "I want so an A man", but that was all machined to that before the day before it was opened. So there wasn't any problem in managing who the head of the Department required out of the applicants. Yet they could have gotten an applicant, I am positive, with as clean and untainted background as the present applicant they got, anyhow with due allowance that his background, in the present life, his white life is pitch-black, but when an applicant that could have filled the post as a qualified ops and diesel, they said "We don't want that. We only want the one with the ops so we can send him there to train", take more tax-payers money, send him for six months' training.

When the Clerk of this Honourable House made, recommendations, he promised to come in on a Sunday, the Committee unanimously supported him and yet the Department, before going to the Governor for his opinion, delayed it and wriggled it around and did what he wanted to do about it, and most probably just - have to fill the gap and brought somebody from the private sector to fill her post. Is that what we call - that's what we call nepotism? Clear simple?

Mr.Speaker, with your permission, if we could adjourn for ten minutes, so I can get a little water, my throat is a bit dry? I would appreciate it, if Members agree.

MR.SPEAKER: Very well, I suspend proceedings for fifteen minutes, interrupting the Honourable Member's speech, so that he has the right to continue after the debate.

HOUSE SUSPENDED

HOUSE RESUMED

MR.CHAIRMAN SHANKS: Mr.President and Honorable Members, I will not be long, I will just sum, I have a few more remarks. But as I said earlier on, Members of this House should be very glad all and be support our young people being educated to fill the post, run the affairs of this country, and I agree.

One Member speaking a few days ago made the remarks to the extent he remembered what, as we say, wanting dead man's shoes, in other words if you are qualified for a position, if two, three or half a dozen people didn't die you wouldn't get in that position. I don't think, Mr.President, any of our young people that go away, Government Scholars, qualify them from tax-payers' money, I don't think that they come back with the intention that they should be placed in the top brackets. I feel that they come back feeling that they ought to be honoured with their well-educated wife, if they have cultivated the qualifications that they set out for. That's quite true, Mr.President, that does not include the practical side of it, but if it takes a certain percentage of marks on any subject

Mr.Lewis(continued) for you to get a job and if you get your name well, then you must be sort of prepared to accept the job or able to do the job.

You take, Mr.President and Members, we have a lot of young Caymanian women but I think they are very well challenge competing countries as to their ability as young, tender age of 20, 22... to becoming Masters of sub-of the largest floating piece of iron across the ocean today. Naval Engineers, and I have been told that when one of these chaps gets his final exams for his Masters degree within three months, to six months, or the recommending of the Captain, present Captain, Master of the ship that he might have sailed for six months as a year "I recommend this young man to take the job".

A Master, 10, 15, 20 years of experience, the Company finds another place for him - the young man walks aboard of a ten million dollar project ship and responsibility of 50 lives. He made that grade - what's the use of going to school, what's the use of sitting an exam, what's the use of getting your passes, if you don't be considered responsible within a few months to fill some place to exercise your knowledge of what you have achieved over the past four or five years in school?

My youngest boy just recently graduated - he spoke to me just before completing his school, a sort of regret and he said "Danny, I am glad I made this choice myself to go to college and you didn't tell me that I should go to college". Well, he knows a split with me but nevertheless he has taken the look at it that he has achieved this on his own effort, the status here where he could get to go to college, he qualified that Government could spend money on him - he spent four years, now he is back in Trinidad for his graduation. He wrote me this on another occasion "I know you criticise Public Works and I suppose some of it should be heard: if I should go there to work I expect you to criticise Public Works as you did before" In other words, he didn't want to be left out of the criticism and he will get it, if it comes my way, but I can assure members that with his working there I have no communication with him. I don't ask him where he worked today, where he will be working tomorrow, what he did today, what he is going to do the next day -- no communication, because I know how Public Works works about me. I hope he'll make, I hope he'll make it.

The Honourable Member said sometime, speaker, a few days ago that everything should go well now because we got our own, - I don't care - I don't see very many black here, new ones. I don't know who they are or what responsibility is assumed on them, but I would say again, if our young people are given the opportunity they will produce their ability, but when they are peddled around, this way and the next way and can't find a place for them to settle in, more than get privilege and indifferent, disinterested - don't take any difference. Give them a chance to exercise and expound their knowledge and see what they will do. Many of them can't do much worse than what has been done, I am positive of that.

In my opinion a lot of this is only done to appreciate the young people so that others can be brought in. We have a number of people here that have jobs which they shouldn't have had. I see in the Estimates here where asking about assistant Storekeeper. One man job and they want three in it - when you get the assistant, that he'll want another one. The present holder shouldn't have had that job, that should have been a local - but that was so engineered for. That a man could leave his home, sell out his property and come back here and say " I am going to resume here" and place in such a job. Openly, untrue.

Mr.President, a lot has been said about the Hospital - I hope in every field, in every place, in every way it has improved. It is a place that none of us want to go, but I do accept the surroundings, on the whole, are better.

We are waiting for the fees to be increased, well, I know, medicine isn't as cheap as it used to be and we don't take that out of our local sheds, which we do have a lot of bush here

MR.GRADDOCK BARNES: [CONTINUING] that's good medicine, but most of us if it is put in a plastic bag, or a plastic bottle we dont bother about it.

The Police I will skip since we had a long run down some days ago with the Commissioner of Police and the Marines here.

But on the other all, Mr.President, there has been a lot of improvement - things could be better and people that are responsible for doing certain jobs, for going their jobs and all to the running wouldn't have to work any harder, shouldn't have to work - we need if it is properly organised and interviews, through done when they ought to be done.

I heard some member of the public some days ago, some foreigner living here in the Islands, somebody took him around in the new Administrative Building, showed him around and vanishing from department to department he never - so many young people sitting down chewing and polishing fingernails and doing what not-one looking at this, that and the other. When when you go there and see so something, you have an exit.

One break-down, I see, Mr.President, in Government or no consideration given to the sub vs or people that may be interested in the field of importing, whatever Government wants to purchase they just put out to some sector, if they even want to put in a bid. They send it up with breakfast cricket and don't publish it asking for tenders - so, this is not good, Mr.President. When Government wants to buy, things in bulk or a certain amount of things, they should put in out for tenders and get bids and compare price with quality and see for what they should derive at, not just deal with an individual or two, as the case may be, because right now in the Public Works the vehicles, trucks, they have the cheapest trucks on the market. They drag to pieces faster than any other vehicle you could find on the market - so somebody must be helping one another, that's all it looks like. Why not spend a couple thousand more to buy a Mack, a make of something or other that may were more quality and duration - one that can stand stretching. So, they would never spend that extra commission having.

Like someone who want to wants to buy a pair of shoes - two $10 can suit to pay for a pair of shoes. Pay one for $12.50 - six months later they buy another one for $12.50. In a year's time they will spend $25.00 on the same way some, same brand - if one has bought the good shoe for $20 you would have gotten probably thirty months, and that's more economic public Works'way if questioning things.

Mr.President, I said in the beginning, I would make this personality short and I will not continue any further, but I can assure you, Mr.President and Members of this House, when we go into Finance Committee that there are things that I am not going to let go until it goes to a vote and that unidentified hour's going to happen more than once, I can assure you that, Sir. So I thank Members for bearing with me. I hope my criticism will help each one of us be realising that we ought to do more for our people, to see that they are better accustomed, have their areas and playgrounds if you can't even do anything about them.

It is not my desire that I wouldn't say that I wouldnt want to be back in the House, but if my people feel that they can find someone to do a better job, I go along with them, which I have promised them that when they replace me I am going to sit up top there a lot and have all they got hot dollarettes.

So I trust, Mr.President, the New Year that is about to face us, that we can come to face the New Year in its coming, I hope we all. Face it with courage, determination and with a good, clean, honest spirit to go about running the affairs of this country and seeing that our people get, not what's left over, but what they ought to get, get in the position that they ought to have gotten in and for me and it is to be pushed in and somebody

MR.CHAIRMAN BLAKE (CONTINUED): Glad to wiggle around and wax lyrically. So I thank you, Mr.President, for this opportunity, and as I said, I was going to make it somewhat brief and if Members feel that it isn't brief enough you'll know it my life is spared, health and everything when I get the opportunity to reply to the Throne Speech, when I will finish it. I thank you, Sir.

ADJOURNMENT: 11.55 a.m.

HON.D.K.BUTLER: Mr.President and Honourable Members, its almost mid-day now and rather than to have the other Official Member say to wind up, I think it may be a good opportunity to adjourn now until 10 o'clock tomorrow morning and then give him time to do so properly. He's liable to take longer than an hour.

HON.V.B.COTHERN: I second the motion, Mr.President.

MR.PRESIDENT: The question is that this House do now adjourn.

MEMBERS: AYES.

MR.PRESIDENT: The ayes have it and the Assembly stands adjourned until 10 a.m. tomorrow morning.

M I N U T E S

FRIDAY, 28TH NOVEMBER, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MAJ. THOMAS VEASEY, CBE - PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS

HON. D. W. MATTHEW, QHR, JP	FIRST OFFICIAL MEMBER
MCH. C. E. WADDINGTON, CBE, QC	SECOND OFFICIAL MEMBER
HON. W. P. JOHNSON, QHT	THIRD OFFICIAL MEMBER
HON. A. P. BUSH, JP	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. TREVOR FOSTER	THIRD ELECTORAL DISTRICT, CAYMAN ISLANDS (MEMBER FOR INTERNAL AFFAIRS AND INFORMATION)
HON. M. T. HUGHES	FIRST ELECTORAL DISTRICT, WEST BAY (MEMBER FOR EDUCATION, HEALTH, SOCIAL SERVICES AND LABOUR)
HON. W. W. CONOLLY, OBE, JP	SOUTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND NATURAL RESOURCES, AGRICULTURE AND SURVEY)

ELECTED MEMBERS

MAJ. J. M. FARQUHARSON, CBE, JP	FIRST ELECTORAL DISTRICT, WEST BAY
MR. JOHN J. MCKEEVER	FIRST ELECTORAL DISTRICT, WEST BAY
MRS. NORMA M. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. CRAFTON HILL	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. G. EARL BALDERA	FOURTH ELECTORAL DISTRICT, NORTH SIDE
MR. CHADDOCK EVANS	FIFTH ELECTORAL DISTRICT, BODDEN SIDE

ORDERS OF THE DAY

FRIDAY, 28th NOVEMBER, 1975

1. MR. T. C. JOHNSON, CBE., PARLIAMENTARY SECRETARY - MINUTE OF 27TH AUGUST ON THE SECOND READING OF THE APPROPRIATION BILL, 1975.

2. REFERRAL OF "ANNUAL ESTIMATES OF REVENUE AND EXPENDITURE FOR 1976 TO PARLIAMENTARY COMMITTEE TO BE MOVED BY MR. T. G. JOHNSON, CBE., PARLIAMENTARY SECRETARY.

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FRIDAY, 28TH NOVEMBER, 1975

MR.PRESIDENT: Prayers be recited

Prayers were recited.

Continue debate on the Second Reading of the Appropriation Bill.

RESUMING OF THE DEBATE ON THE SECOND READING OF THE APPROPRIATION BILL, 1976.

BRIG.V.G.THOMSON: Mr.President, Honorable Members, first of all I would like to thank all those members who spoke so kindly of the preparation of the Budget Address and of the proposals which were put forward by Government.

Apparently the last hours of the debate on the Budget Address were not as heated in the debate as the earlier part of it, this was perhaps because lunch had intervened of a Member of the Assembly.

Mr.President, I would like to begin my reply by saying that it is unfortunate that there were so many criticisms of the new measures that were proposed by Government. It was unfortunate in some respects as the attitude, perhaps of elected Members, the decision which was adopted. I know that Members of this Honourable House have prerogatives, the privilege of opposing Government's recommendations or any business proposed in this House, but one of the things that we must always realise is that whatever we say here is not only being heard by a few people who sit in the Gallery and see pamphlets of what is being said below; what we say in this Chamber is supposed to be spoken by responsible people and is to be read by many people in the Minutes as recorded.

It is unfortunate to have heard quite a number of mis-leading statements, inaccurate statements. Perhaps had it not been for those, Mr.President, I would not have to reply to the debate, but I am afraid that I will have to refute quite a number of things that were said during the debate.

Another point which I would like to raise at this time, Mr.President, is the attitude of the press at the new measures which were recommended in this House. Now, Mr.President, I remember when I was a school-boy one evening, a bigger boy wanted to fight me for some childish petty thing. I was afraid of him, he was bigger than I was and I was praying all the time that we didn't get into the fight. But two bigger boys came along and nothing they liked better than to see a fight and so they propelled it and in a little while the fight was on. Well, I didn't do too badly in the fight because I was more annoyed with the two bigger boys than I was with the boy with whom I fought. This is an occasion same with Government versus taxpayers and you have intervening the press and of course, as I have said, politicians have a duty in this House to oppose and to reject, but nevertheless I think the press should adopt a different attitude. I think that the press should always be a mediator. The press should always seek to bring peace and harmony between people, to bring right information to the public and especially when there is any such thing as a tax measure in which the public and Government are involved, I think the press should either be silent or at least bring whatever information that can be produced from either ends.

But, Mr.President, I am referring to the editorial on the issue of the 20th of November at page 4, where the press criticised Government for introducing the tax measures in a time of recession.

I am quite aware, Mr.President of the principles applying to taxation in times of recession. I am also quite aware of the principles of taxation in the time of boom. The real need for the new measures which were introduced were explained and , Mr.President, let me say that had Members recalled the Budget Session of some just a few years ago, then I don't think we should have had such concern

HON.V.H.JOHNSON (CONTINUED): about this one, even though we had been passing through a year of recession. For instance, we go back to the year 1969 and we find there a revenue of one and a half million dollars and an expenditure of over two million dollars. There is a short-fall. Fortunately, those were the years of boom and the year ended with a surplus.

We look at 1970, the revenue was 2.4 million dollars and the expenditure was 2.9 million dollars - again, an over-draft, depending on surplus revenue and new taxation or finance that short-fall. These figures of expenditure that I am quoting, Mr.President, are expenditures which are met from local revenue, not expenditures from British grant and loans.

1971 again we found a revenue of 2.4 million and an expenditure of 3.2 million, again a short-fall. 1972 the revenue of 2.9 million and expenditure of 3.2 million. Again an over-draft. 1973 revenue of 3 million, expenditure of 3.3 million, an over-draft again, Mr.President. 1974 3.9, expenditure of 4 million. So, as these years the Government has had to depend on surplus revenue balance or new taxation. In this very year 1975 we were faced with a short-fall of a million dollars when the budget was presented, which involved a drastic review of $400,000. And Members were told that in order to finance this short-fall two new measures would be introduced, the increase in Park license fee and the increase in Companies' registration fee.

We've come to 1976 when we were again faced with another short-fall in the budget of a million dollars. So Mr.President, what is wrong with 1976 over all the other years in which we were faced with deficits. Deficits, which were financed by surplus revenue balance and new measures of taxation. 1976, unfortunately, had no surplus revenue balance and we are all aware of the reason for this, because of the recession year, and Members are aware of what the surplus was used for, and that is to supplement expenditure, supplement short-falls and keep Government jobs going.

And, Mr.President, before I leave this, I would say that over the last week-end you know, I made an investigation around town to see what the feeling of the public was as far as these measures were concerned, because the public is quite understanding as far as Government is concerned but the public becomes upset when they hear, you know, people in responsible positions going around and criticising and saying a lot of things about Government. And this is the reason why I am concerned about the editorial in the press, this is why I am concerned when people make a lot out of small things, rather than to pacify the public. And the public, many people said to me that they had no concern about it, because they knew that Government had to find revenue from some source, but what got them concerned was the editorial in the press and that seemed to have upset a lot of people, after that there were little groups all over the town discussing the motor import duty increase. As I said before, Mr. President, the purpose of the press was to enlighten the public, to pass useful information, not to agitate or to excite. I thought it was to establish peace and harmony.

The Cayman Islands is not the only country that must encounter taxation from time to time. God bless the country that hasn't got to do this, and as I said before, I will say it again that we have been very fortunate in this country, as far as taxation is concerned. We have faced a boom period within the last five years and that has served this country very well. We have achieved very much - just look around and see all the things that we have done and from what - no taxation whatsoever.

A Member said that the new expenses would tend to reduce revenue and that the increase in revenue will affect tourism. Mr.President, the effect of the new measures is something we must wait and see the result of, you cannot say that because the import duty on motor cars is increased from 20% to 33 1/3% that

Hon.V.S.JOHNSON (CONTINUED) the Government will earn less revenue.

As Mark Anthony said "even the story of vice is forgotten in a lifetime". I am sure that regardless of what one may think of such tax measures, the increase of import duty on motor cars people are not going to mind this. They may, at this particular time, say, "Well, I did intend to buy a motor car but since the duty has increased I am going to forego it". But how long will this attitude continue? If a person really needs a car he is going to buy a car. But I am sure in a very short time these measures will be forgotten - life will go on in the normal manner.

And in so affecting the tourists, I know that tourists do mind prices, the fact is that they check on prices before they travel around but 40% is not going to prevent a tourist from coming here, I am sure of that. One dollar and sixty cents to the cruise ships' passengers is not going to prevent cruise ships from coming here. All the cruise ships requested was sufficient time so that this could be built into their system without affecting any one before.

The Member went on, Mr.President, to state that we should not attract Revenue to cover the expenditure because there comes a time when the billion will burst. Well, you know what causes the billion to burst - by people intoxicating with it on the outside most of the time. Just put air in the tyre to that bursts the balloon, but if we keep on, you know, buying with the billion and pumping it around it's certainly going to burst.

Another point the Member made, Mr.President, was that the Budget outlook should have stated that we are now ready to tolerate economy growth. Well, that's really a joke, because this is what the Government sought to do from seven years ago when team visit was invited by the Cayman Islands from the British Government to examine the growth and to make recommendations. This is when the capital programme was prepared, this is when controls were instituted and this is when the country was all to a reasonable economic growth. As far as I know that growth started and it went very well all during the years from 1966/1969 somewhat, even through the demonstration, it continued very well, and the first thing that brought it to a halt, Mr.President, is this year's recession. Recession will bring anything to a halt and we have seen actually this. Weakness was also attributed the purpose Draft Development Plan as the present condition of the economy.

You know, Mr.President, it is quite simple to criticise and to attribute blame from every quarter, but if one stops to look at what happened, we will see that the plan unfortunately co-incided with the preceding recession and as history tells about the recession, everything is the Development Plan - Plan, Plan, its unfortunate that that I am is such a bad boy. And then, further, they went on to say that to top it all, taxation brought the last crippling blow to the economy. Well, I was quite amazed at all these allegations I just kept walking them down one by one.

Mr.President, the Development Plan did not straighten the economy and neither did the Central Planning Authority, in its administration, places any restriction on planning within the Cayman Islands as was also the allegation. It was said that there was a policy to restrict building, there wasn't any policy on commercial building at all. As far as I know, Mr.President, the Planning Authority has to date approved some nearly two hundred beds in local accommodation, and there are perhaps another five hundred in the pipe-line being examined by the Central Planning Authority, and so while the Central Planning Authority has approved already this year over twelve million dollars of projects. The thing is that people are not building. These projects are not being implemented because of the financial position, difficulty in arranging finances and the rest of it. And so one would normally place the blame on something, again it is the Development Plan and so it is the restricting

MR.T.F.O'CONNOR (CONTINUING) position of the Central Planning Authority. I have looked through functions of the Central Planning Authority to see whether, in fact, they had been restricting any building - they have not been restricting any building.. In fact they have tried to assist all applicants, as far as possible, to complete their applications and to have them approved , where this is possible. They are still doing so. They are aware of the state of the country and they are aware of the need to assist the construction industry, so, Mr.President, those allegations are definitely unfounded and incorrect.

Speaking about the Plan, Members are somewhat concerned when the Development Plan is presented to the Legislative Assembly. They are afraid of the collective vote of the Government Bench and that the Plan will, perhaps, succeed in the same manner as the tactile. I think it was the intention, from the very early stage,Mr.President, and I think you intimated this that the Development Plan would be studied by a Committee of this House, I don't think there was any intention at all of putting it to a vote in this House until it had been well studied. But in any case I wondered whether it is the intention of some owners, to accept the plan because we heard about a plan that was introduced by a very prominent Caymanian 25 years ago, and on board the face of that Plan. I remember that Plan, Mr.President, I looked at that Plan on many occasions, it was a plan of George Town and it was, in my opinion, a reasonable plan. A plan that would make George Town a fine world city and it was very unfortunate that when that Plan was put at the Government Marine Board for public viewing that another very prominent citizen, who is perhaps planning the present Draft Development Plan, went and built a warehouse on the site of one of the proposed streets in George Town and other people, seeing this, followed suit and needless the entire concept of that Plan. And this is the reason why that plan had to be scrapped because of those actions.

Well, if a Plan, you know, prepared by a Caymanian, like Mr.A.C.Panton, I can see that I had a great deal of respect for myself, prepared something of that nature, put it forward and it was rejected in that manner, I wondered you know what would happen to a plan prepared today, a Plan that they say is prepared by foreigners, it is not prepared by foreigners, Mr.President, it is prepared by local people, with the appropriate assistance that we have here; just putting the plan together from the dictates of Caymanians, but in reality it will need to cater the same type as the Plan of 25 years ago of George Town. So we need a Development Plan. I mean this is a question we should ask ourselves and then decide whether we should have a Plan or not.

Mr.President, I am sorry that I had notes all over the place and I might't go in order of the Budget Address so I'll have to take items here and there.

I heard Members articulating the Hospital. Mr.President, I remember when the payment was being presented to the Finance Committee, the Honourable Minister responsible for the subject brought with him to that Finance Committee the plan of the proposed phase I development of the Hospital and there he explained the proposals to members and as far as I can remember, Members were very elated over the proposals, because they had been previously criticising conditions of the Hospital and selling our Insurance system, and the Member thought that there would be no difficulty, he went into detail to explain so I think the Members were satisfied to such an extent that they didn't want to hear too much of the details, but in fact a lot of it had already been brought to their attention. For members to say that there isn't a corridor in the new inpatient block is not correct - there is. The progress in that block was put forward to people who know the latest in the field called Development of Hospitals and Maintenance, we are here arguing the Cayman Islands as being different from other territories around us and here when we do a development which to, I would say,

SOME V.C.O2HOSOM (COMMENCES) comparable with the best you find anywhere, and perhaps not comparable with anything you find within the regions, we are criticised. It leads me to wonder sometimes, Mr.President, what really do we want, because we praise on the one hand and we criticise on the other and it's not a very good thing to do. You know, inconsistency is not a very good thing. If we want to grow, if we want to progress, we must to be stable, we must be be rational and dependable, we have to be consistent with our views. I see no reason, really, for the Member to have criticised the new construction the way that it was done.

The cost of the project, Mr.President, was mentioned when the project was presented to Finance Committee. In fact, we went to Finance Committee for approval of the balance of funds which was something in the vicinity of the total of $506,000 . Members were told that the project could cost a total of $630,000 but we were saying , at that stage, to regulate it for a less figure. It depended on costs and other things so far the total cost has not yet reached $500,000 it is well within the original budget except that there is a claim from the contractor which is now being examined and certainly the claim is not being supported fully by the consultant. It is not known yet what portion of it will eventually be paid, but so far the project is within the original estimate, and that fact was reported at the last meeting of the Finance Committee. If Members referred to the paper presented there, they will see what the cost was. We asked for a re-vote of the funds that were not spent in 1979

The issue of the hospital were expressed that the current year's estimate of $135,000 to $200,000 which is less than 100% increase. Members talked about hundreds of percent increases. They tried to devise terms and ways of getting several hundreds of percent increase in everything.

A mention was made Mr.President, that the post of Government Medical Officer should be up-graded. I think this is something which should be left to you to be dealt with at a future re-examination of positions. I think it will be an undesirable situation for the Government to get into by up-grading posts one by one because these things usually have chain reactions, the minute one post is up-graded then there is a request for others to be looked and there are other people in the position if the Government Medical Officers who would, perhaps, feel that they too, their position too should be upgraded and it is a matter of whether there is any justifiable grounds for this. The final place, you have the Principal Secretaries who have responsibility for these Departments and it would be folly to have the Heads of Departments graded above the principal Secretaries. So the grading of positions has to be carefully examined and it can't be done arbitrarily because a member rises in the House and says that a post should be up-graded. I know that there have been quite a number of requests from other officers for the up-grading of their posts and these are all been placed on record and will remain there until such time comes for these to be properly examined, as the proper time and in the proper manner.

Mr.President, we heard about Education, the transport of school children which is costing over $90,000 and we heard this being compared with the expenditure under the Plans Office under the Department of Tourism which is $90,000. Now, quite a lot of things have been said about tourism but I am sure that the honourable Member responsible for that subject has already outlined to you the cost to advertise tourism and the consequences of not advertising. I am sure he mentioned to you the need to operate the Miami office and other offices outside of these Islands and the need to provide a certain level of expenditure for tourism. We are not prejudging that level of expenditure because of our financial position. Tourism is a key part of the economy and if it is not supported one can probably see what the result will be. It is quite all right for us to talk about the transportation of school children, I have politically it is desirable, I personally have said from many, many years ago that Government was offering free education in this country, in Grand in the primary division, it extended to secondary education and I think, it is to my opinion that

Hon. M. G. Jeffery (continuing) the least the parents could do is to pay the transportation to get their children to the school-room and I still hold to that belief. One might say it is because I haven't got to find transportation for my children or my children are living close to the school - it's not at all, Mr.Speaker. If I was living in East End, I think I would adopt the same attitude. There are not many countries that offer complete, free secondary education - we are here. We offer a lot of free things here. Still, when we bring a few amendments before the House there is a lot of speak about it. We have to live with transportation of school-children, because, as I said, it is political and we wouldn't be able to do otherwise, but what I am trying to say, Mr.Speaker is that we should not try to antagonize tourism. I don't think we should attempt to say anything disrespectful about the operation of the Visit Office either because it is one of the most important organs of the Department of Tourism today and the good that is being spent on that office is surely well known.

The result of the recent examination again was mentioned and I don't know where the Member got his information from I think he quoted the Guardian, the newspaper, and in his summing up of the passes (he is an ex-teacher and I take it that he should be acquainted and well versed with these examinations, and the results) but he said that out of three passes there were only 3, maximum of 7 subjects passed by any student and that is quite incorrect, Mr. President, there were 2 students with six passes, one of them was from my two Rivers. There were students with five passes and there were many students with four passes. So I think the Member needs to get the Education Department to send him a copy of the results again, so that he can re-acquaint himself of the figures of passes, but it is mis-leading, you know, for people to sit around and to read these similar, who are not aware of the problem otherwise, to see these results.

A great deal, Mr.President, was said about Public Works budget. The Member said that the small budget was only a show and that at a future time we will be coming for supplementary. Well, I did say that if my Budget allows - I did say that the Public Works' budget was small - it was below the 1975 estimates and if funds were available in 1976 , I don't a supplementary from Public Works would be justified, as I don't think the word 'when' applied to have been put into it because the fact already stated.

Speaking about some of the performances of Public Works Department and especially the Bel Air diversion, Mr. President, I am sure that Members are very interested here and that although they may have their opinion about the Ministry on "this side" and how we deal with our various portfolios, I am sure that the Member for Corentyne Coast and Works and I have no. information that Bel Air diversion if he had not gone carefully into the costing to ensure and assure himself that the cost of that diversion would not exceed what it would cost to pave the present road. The figures were produced by the engineers. If the engineers have misled him , well, that's another matter, but we have to accept advice from our technical staff and in this case our qualified engineers. If they come up with a costing which is incorrect, then that's another matter, but as far as the information available to Government, the cost of the Bel Air diversion is not going to be beyond what it will cost to pave the present road.

Member again stated that they were alarmed at the way in which the roads were being paved, West Bay, George Town, Sodden Water back to George Town. Well, this is a programme for paving the roads - there is some thing about it that what is paved is there to stay and regardless of when you get back to pull what has been done as to complete what has been done, it's going to be there, because this paving is firm place. The paving as West Bay started from the original site at the 1957 road programme. Bowl Ball Street Bay and they thought that it was a reasonable point to begin and to cast their machines. Although I think Public Works did a very good job

Mr.Speaker [illegible] on it. When they completed the work through West Bay they were told George Town to pave the school house road to encourage heavy traffic to the airport to take that side of the town and to relieve the other areas. Now they started in Grand Road towards the Eastern Districts of North Town rather. When they got to Crewe Road where the diversion was to take place they decided to start in North Town and come towards George Town so as to give sufficient time to clear the track for the Christmas. This was a matter of programming the paving, but there was no difficulty with the plant - the manufacturers had to send something down to look at it because it had been giving a bit of trouble. I think everything is set to a good start again and no doubt the work will proceed at a reasonable pace again. I think a start has been made in George Town since yesterday.

The four capital projects, Mr.Speaker, were also criticised. Somebody said that they knew that it was going to cost a half million dollars on interest alone. Mr.Speaker, we are aware of this - these projects were under study from as far back as 1970 when the Capital Projects Programme was promised and it is not as early as all that to take a decision. For instance, on the siting of a post and the Cable project, already, study was done as to where should the Administration Building, that was not decided until the old building burnt, the Legislature and Court Building were to be the first on the programme and so it was a matter of what comes first and how we know what to implement the other projects that followed. Unfortunately, the big projects all followed quickly, one after the other and quite unfortunately, the implementation and completion of some of these projects happened to a spot of recession when money became scarce, when financial difficulties increased and when Government was faced with these burdens. But we are hopeful, that in the new year 1979 we will be able to overcome a lot of these burdens.

We certainly will not be moving on with any new projects until our financial position is quite certain, but as to the present projects and the four projects that are being talked about, nothing is surprising to Government, because, as I said, these were under study from 1970. In 1970 they were estimated to cost about eleven million dollars, 1978 they were estimated to cost about four million dollars and today they will probably cost about six to eight million dollars - this is how prices have escalated. I ask, who are we going to blame for this, Mr.President? As a reasonable Government we must accept these facts - We cannot criticise an Government for what has happened. We certainly did not have any part in bringing about the recession - the recession started outside of the Cayman Islands, it took here after many, many months. I am sure that had it not been for the recession that we were facing we would have been in a much better position today. And perhaps Members would have been better satisfied.

The Government has made provision for the payment of the interest on these loans - it is part of the current budget. It is a big sum of money, don't believe four or five million dollars and expect to get it free of charge. At the going rate today you pay a lot of money for the use of money. We must live with this and we must meet our obligations.

I was delighted to hear so many members praising the new Administration Building, except for, perhaps, a couple members who were still doubtful about it. However, we did expect a certain amount of criticism, regardless of what we do in Government we expect that amount of criticism, but I would like to thank those Members who praised it - it was a great effort on the part of Government. You can see today that Government has been put in the driving seat of this country and that there is no doubt that we have a beautiful office, especially the Legislature Building. It is such to be proud of - small territory, 13,000 people, a hundred square miles - more than many Caribbean countries can boast about, so I dont see really any justifiable

HON. MEMBER: [illegible] Mr. criticising, unless at random, Members wanted to build four concrete. We have a lot of concrete buildings all over the place, it was termed a concrete jungle some time ago. But the word concrete jungle is used for an area which has developed without planning.

A great deal was said about the port, Mr. President, the damage caused by the Nor'wester. When the contractors take a project the Government is not responsible for any damage that is caused during construction. The contractors usually insure a project - the Administration Building was insured and in the early days of construction there was a fire in the basement which destroyed or caused a great lot of damage. The damage, I understand, amounted to something in the vicinity of twenty thousand dollars which was paid by the insurance company. So, I would think that the contractors of the port project would also have that project insured and that any damage caused by Corbineaux or any other act of God would be covered by the insurance company.

Speaking about men don't being outmoded before its completion, well, perhaps we may soon in other countries, for instance, Jersey built to modern specification and before the opening of that airport it is deemed outmoded - could be - all depends on what you want and what you wish to have. The design of this particular port is something which was accepted by this Government and something which we see quite often this country will over the next 20, 30 years. So why should it be outmoded before its completion? Just can't understand the statement at all. No one is going to change the design during construction - that's why we have the consultants there to ensure that the project is built according to the original design and according to the design that is approved.

That's so far for the four projects, Mr. President, but before I leave the four projects I should say that Members know that a loan has been passed by the Honourable Minister to raise a sum of money to finance the projects. Now all the loans that was talked was a joint consortium loan from six local banks. Members were told Government has taken up local loans which apparently had depleted the funds which would otherwise have been available for the use of local people for mortgage purposes. By remember, Honourable Members will see one of the first thoughts that was given when this loan was being negotiated and the Government made it quite clear to the banks that it did not want to interfere with the small amount of private dollar funds available locally, the Government would be prepared to take a foreign currency loan preferably a United States dollar loan and the funds raised on this and the loan which was made available to this Government was a United States dollar loan contributed by the six banks [illegible] Government can't be accused of doing what bit of local funds there was for this purpose.

The increase in tourist accommodation tax as other Members stated that there was an increase in tourist accommodation tax and wondered the reason for this - the Honourable Member for Tourism mentioned a part of it. The other part of it, as far as I know is that some of the hotels are negotiating the restaurant [illegible] and operating the restaurant as a separate entity and therefore are not paying Tourist Accommodation tax on the purchase of food. That explains the Tourist Accommodation Tax payable to Government. I did mention in the Budget Address that simultaneous with the coming into effect of the Cruise Ship passenger tax Government would be introducing a measure to remove tax from the element of food from hotels accommodation [illegible] No mention was made of this by any one in the Budget Debate so I take it that Members agree in principle that this ought be done. However, as stated in the Budget Address [illegible] We have to assure the Department of Tourism that they would not take advantage of this reduction of tax by Government by increasing their own fees to replace Government's tax

HON. V. O JOHNSON: [UNINTELLIGIBLE] As soon as they are prepared to give that guarantee to the Department of Tourism that Government will proceed to prepare the necessary law to give effect to the removal of tax at the airport of Yoof, otherwise the 1st of August, 1979.

MR. PRESIDENT: If the honourable Member is prepared to accept an interruption, we might depend on this answer.

HON. V. O. JOHNSON: Yes, Sir.

MR. PRESIDENT: I suspend proceedings for fifteen minutes.

HOUSE SUSPENDED
FROM 4:00 P.M.

HON. V.O. JOHNSON: [UNINTELLIGIBLE] Mr. President, normally I would not have taken this long in replying to the budget address debate, but the issues on this occasion were obvious. It is unfortunate that some elected members adopted the attitude they did in the beginning of the debate and that is not to speak until all Members of Executive Council had spoken.

As you know, as the Honourable Member for South Side mentioned, the address (that is, the budget address) is normally written. No drafting of the Address can begin until after the draft Estimates are available, but in the meantime, many weeks of thought are put into what is going to be the general outline of the budget which would include the plans and priorities of the country since the last statement was made on the budget. So that time the Members of Executive Council through their principal secretaries, are requested to give us the kind of material available to assist in the writing and compiling of their various portfolios. When many days and perhaps weeks have been put into the programmes of the Budget persons it is given to Executive Council for approval. When the address is approved by Executive Council that is in readiness for presentation to the Legislative Assembly. Because the Members of Executive Council have already familiarised with the Budget Address and because their portfolios are already reviewed in that Address, it is really not necessary for them to speak on the Address, unless they wished to clarify any statements made by other members during the course of the debate. And so it is really not necessary for Members of Executive Council to speak in the debate until when all other members have spoken.

Now, I would like to say the remarks that was made at this meeting, that our Ministers' debate should not be refuted by the Members opposite and this is unfortunate, Mr. President, because although I am trying to do my best in the realy I am sure that I cannot do as good a job as the Minister who is responsible for the portfolio. I mention this because I think it was important for us to do so. I am sure that Members of the Executive Council have only spoken because they didn't want the Government Bench to be embarrassed and so they decided to go ahead and speak but actually up to that minute there was very little really to reply to and I think this was intervened by few Members when they spoke.

The revenue which will be derived from the Broadcasting Station, Mr. President was mentioned and Members expressed the fears that this would not be a burden on rural people. We are aimed to our new Member for local people. If there is a merchandise for sale it is put on the market - it gives a point to buy it, they buy it. If they don't want to buy it they leave it alone - they don't have it. The Broadcasting Station is placing a part of its time to commercial advertising and this is going done to assist the Treasury to. It is envisaged that it will earn approximately $125,000 for... the first year of operation. And as

Hon. V.G.Johnson (continuation) Mr.President, the people who are going to use this facility are perhaps big foreign firms because already there are quite a number of applications, especially religious bodies, they are the best customers of a commercial radio station anyway, and Caribbean-wide. If it is available and I am sure that a lot of time it will be available to local people, if they wish to use it - its entirely up to local people - I don't see where it is going to place a burden on anyone.

Mention was also made, Mr.Peviani, of the increase in postal rates. I thought Members would have looked on this as something logical. I mentioned in the Budget Address the proposal that in some administration the increase in postage rates is done within the year, perhaps every nine months. Ours we haven't increased previous rates within the last two years. I received a bill from the postmaster yesterday morning. Mr. Speedpost coming from the United States Postal Administration for a charge in the sum of $71,000, which covered a period of a year and a half for mail and parcels handled by the administration. This is not something mail which goes between Cayman, between Jamaica and other administration, so when we talk about the need to increase postage rates some charges from other administration, I hope the Members here will have an idea now what we are talking about, these big charges that are through for the handling of our mail abroad. We do get a credit for other parcel mail that comes in, but the charges are very small. In that $75,000 which was the total there was a credit of some $5,000 by the Cayman Islands for parcel mail. We get nothing for the other mail, because Cayman Islands is the destination.

Mr.Peterson, that is where duty from the Real Estate Business was mentioned and it was said that Government collected over a million dollars in 1974. We had an estimate of $700,000 in 1975. We are hopefully estimating $750,000 in 1976. Well, people who are involved in the Real Estate Business will know, Mr.President, that is quite an immense business. In one year you might have a couple of two or three big properties which can both Government quite a lot of money under this item. Other years, the revenue will be reduced because there aren't that many transactions and in fact, the real estate business is not as bright today as it was perhaps ten or three years ago. But nevertheless, we think that as time is the getaway are recovered somewhat that the real estate business will start booming again. If there is a change of hands,management or hotels,for instance, or any big establishment, then we could expect to earn a great bit of revenue from this area. There were a few items we were hoping would come through during this year, unfortunately they did not and so I think the revenue under this item will have to be revised downward. But there are some items of revenue, Mr.President, that we cannot always be assured that what is estimated will be collected. It is like Court fines - depends on the things you have sometimes.

I would like to touch a bit on Cayman Airways - it was said that no mention was made of Cayman Airways in the Budget Address. I particularly did not mention Cayman Airways because there was nothing other to mention than a sad story. I had already given one about the Government - I didn't want to to keep it up with one about Cayman Airways and especially before the meeting of Directors which is scheduled to be held at any time now. The Airline has been operating under severe financial difficulties ever since the beginning. The year - well, in fact, ever since November last year and it has been, in fact, operating at a loss. For a few months it has come out with a profit in operations, but over the one year of operations the losses, I think, have been significant to the capital of the Company, which means that the value of the Company is now almost nil.

The Queen Elizabeth Hospital are very concerned about this and every endeavour is being made at this stage to look

MR.PEDDEN INTERVENED to the operator with an observer to improve the financial position where possible. The issue of whether the aircraft will be sold or Cayman Airways will buy it is to be the present lease part of the lease and the cost per hour of the operation of the aircraft. So that Cayman Airways will know for the duration which it owns.

The flights have been examined and a new schedule is coming out because it is hoped that the company thinks will be a reasonable operation through the Montreal season. I think that with the progress re-adjustment to schedule and the financial operations that the company will survive, but if not, at the end of Caymas season, I think some decision will have to be made as to the future of the airline, but I doubt very much that it will be able to enter into the summer season if it does not recover over the next four or five months.

This is just Mr.Speaker, brief comments on Cayman Airways because we have a report the board of directors yet, but I am beginning like to Members since they are, I am sure, concerned about Cayman Airways and don't know what the future will be. But anyhow, we hope for Cayman Airways, as we look for the economy of the Cayman Islands.

Members talked about the proposition of purchasing its own plane, well, it is all right for an airline to own a plane. Mr.President, when what happens it seems that the airline ever operate with its schedules as one plane, because the back-up resources which it may enjoy with another airline's not available. When a lease is provided, well, it means that you just wait until when that plane is put into the maintenance shop and is ready for service again.

Cayman Airways, under the arrangements it has with Leeward Airlines has entered a lot of fault link with the spare parts department, servicing arrangement, the back-up arrangement and so on, and this is a reason why when a plane is grounded on a certain flight, although there is a big of delay, but that schedule is never more like that a flight is operated even if it is a few hours late, sometimes, which is quite a good thing. Plane costs, jealous - now are to eight million dollars - its not as cheap as some people think it is. One of the problems people encounter to operate a plane that you don't just operate a plane just by - it must be registered under international arrangements. That you must have a certain amount of stores, you must carry spare engine and certain other spare parts, which will, perhaps, cost you a couple of million dollars - you must establish your service arrangement, either with somebody else, for which you pay too, so it is an expensive operation, not just merely buying a plane.

Select registration: Mr.President, a Committee has been set up by you, chaired by the Attorney-General to deal with this matter. The Committee has had few meetings, so far and I am sure that in the very near future it will be coming to the House before it. But I can assure Members that the registration of ships in the Cayman Islands, is the context in which we are looking at it today, is not as many as that. If it had been, I can assure you, that four ten years ago it would have been introduced in the Cayman Islands because the Government has been investigating it from then. It is not just today - not just since the motion was brought in this House. There are many problems to cross and more than anything else one of the big hurdles is to get the British Government to agree that the Cayman Islands should become a part of ships' registration. Providers International Conventions which must be complied, to the Cayman Islands if it is to be opened the register because it is no use of a ship coming here to register and go elsewhere for a ship like a Classic - it must be able to obtain a good like certificate here and the other international certificates. But as all the requirements of the British Merchant Shipping Act this should and be available in the Cayman Islands and this must be done by the British Government

Hon. V.C.Johnston (Continued) by an Order in Council or by some form of Legislation. In a matter of whether Her Government can convince the British Government that the Cayman Islands can qualify, that the Cayman Islands are eligible to operate the system and that we should have the legislation extended to us. We can't introduce the legislation in this House - it is not for us to do it - but the British Government to do this. Mr.Speaker, we are talking about a subject which requires a great deal of investigation and I am afraid that it is going to be quite a long time before we can arrive at a decision.

I was in the Bahamas recently and I heard the Prime Minister explaining Briggs' registration in the Bahamas to the meeting - they are, apparently, just beginning the stage where the Corporations are having returned to the Bahamas and they have been laying at sea a long time. The Bahamas are exposed to a lot of facilities which we haven't got - it's taken them a long, long time to achieve this, and they are not too certain yet when the system will begin to operate, however. Suppose our law may be introduced too antiquated.

Mr.Speaker, the Cayman Dollar was mentioned and the Member considered why the exchange rate could not be brought to par with the American dollar. This month, Mr.Speaker, is some-thing which we had gone through some years ago, especially at the time when the first law was introduced to the Legislative Assembly to introduce the Cayman Currency - we had the exchange rate at par with the American dollar, one Cayman dollar equal one U.S.Dollar, and we thought this was all right, and this is quite feasible at the issuing of a currency. But after a currency has been issued and a value has been put on it the value against other currency, then it is difficult to change that value. And when we are talking about the exchange rate of the Cayman dollar and our sterling currency, we are talking about the value of the Cayman dollar. If we are going to introduce a par value at the Cayman dollar with the American dollar we are talking about devaluing the value of the Cayman Islands by something like sixteen and two-thirds per cent. So we want to do that? Do we want to devalue all the wealth of the Cayman Islands by sixteen and two-thirds per cent - I would say no. I think the currency is doing quite well - I think everybody has learned to live with the present rate of exchange, even the tourists, I think, have learned to live with it - although they are theoretical sometimes in their complaint. So I think the Cayman Dollar should remain as it is.

Following on that, Mr.President, we heard a great deal about the recent appointment of the Manager of the Government Savings Bank, but I would have preferred more emphasis being put on the appointment of a Manager or Currency, not the Manager of Government Savings Bank, if it was going to be a Manager of Government Savings Bank we would not have employed the individual that we did. Mr.President, the operation of the currency system is a complex thing, it is not as easy as all that, especially when you are dealing with delivering and exchanging of funds in various destinations, Cayman - London - New York and all the rest of it. What you have to deal with transactions each day when you have to make decisions on investments and when you have to decide on other important issues - it requires somebody with the knowledge in that subject, somebody who is experienced. We have been dealing since, Mr.President, the Currency Officer who did the law in my procedure of issuing and redeeming currency, but that is about all that we dealt up. We had someone from the Bank of England at the very outset to deal with the introduction of the currency, to train a local officer in every way, the local officer did every as the best she could. The local officer underwent on many occasions that she did but last and it was said by the Currency Board, Mr. President, that there was need to increase the activities of the Board

Hon. Mr.Hockenhull (continued) If the operations of the Currency system was to mean anything to the Cayman Islands as a long term basis and these are cleared from the local financial community and especially the local clearing banks that the Currency Board provide facilities whereby any surplus funds from these banks could be swapped with the Currency Board, instead of having to convert these funds from any long position and invest them abroad. This would immediately create a risk and because of this risk they had to introduce the very wide exchange rates. At any providing with them to buy and sell sterling this exchange rate and we have pointed that out to the Currency Board Management but have unfortunately, we will endeavour to get forward their reasons to provide the deposit facilities for them. This was one of the main reasons why the unusual opportunities are made and Government thought that at the same time the officer could also be engaged in the Savings Bank, this both occasions and so here one person to do such jobs. Personally, I see nothing wrong with it - I am only happy that there is somebody to help me and to take some of the added burden off my shoulders. If this is not done I am afraid that pretty soon it is going to be done somewhere, because one person can do so much and no more. Those operations were small at one time, but one must remember that each year they all grow and they are growing to reasonable size, and so it requires experts management and not only management, but you need people who are fairly qualified to do the administration.

The present officer is appointed on a contract basis for two years. We would have appointed a local person, the local person was available— we had two/three who have been. Someone talked about the age limit. Well, we did amend the age limit in one notice - this was discovered afterwards and we immediately sought to remedy this and allowed other people who wished to apply for the job to do so. I spoke to one or two of the boys they weren't interested. They were holding quite good positions in the bank. We had applications from two local girls, the Public Service Commission did not see fit to accept these and the only qualified and acceptable applicant was the present person, who was appointed. At this stage, Mr. President I would like to say there a lot of emphasis was put on the manner in which appointments are made by the service, by Members. Now, when we speak about this, we must remember that there is a Public Service Commission which deals with these matters but besides this, and I stress, the Governor approves all the decisions of every single appointment made in this service and when you talk about appointments in the manner which was referred to in this debate, I think we are stepping on the toes of even the Governor himself. I don't think this should be.

Very often especially in the case of technical posts, you just pick people up in the street to put in these positions. I mean, if you want someone for technical position here and this person is recruited abroad, you are going to make appointments on the open market, but you are going to state specifically what you want - you have a number of applicants who will be examined by some representative of this Government and someone is going to be selected who is best qualified. The same thing applies here - it is a matter of who is better qualified for the post. It is not a matter really of who presents papers. Because otherwise you can discount your Public Service Commission and as far as I know, the Public Service Commission examines every application in every respect and places the recommendation before the Governor who, in turn, examines the file completely and in addition of the PSC's recommendation before he gives his final approval. And so I hope Members are aware that the appointment of people in the service is not done on an ad hoc basis and basis, done by someone's whims and fancies and just because someone feels like bringing in his buddy or his aul lole like anyone.

HON. V.O.JEBASON: (Continued) Mr.President, the first member who opened the debate on the Budget address, the Honourable Member from George Town, said that although there would be no increase in salary now, he hoped that we would see it by introducing it at a later stage. Well, what I said in the Budget address was that there was no case for a salaries increase, according to the Cost of Living Index as it was then and that nothing is recommended, and unless a reasonable case can be made out by anyone between now and the next Budget Session, there is no intention at Government putting forward any salaries review for the Civil Service. I hope this is understood.

A great deal, Mr.President, was also said about gratuity to Commissioned Officers and the number of officers who retired and the sum of gratuity quoted in the 1975 estimates ($486,000), which is something like 12% increase over annual recommitment of 1975. Apparently salary increases exceed one hundred per cent it is not announced. Mr. President, again what is gratuity paid for? Gratuity is paid to the people who are being or who intends to fill positions for which there are no local persons available and most of these commissioned officers are teachers. Now, on the one hand members are lauding the education system and this apparently is all right, but on the other hand they don't want the teachers because we have to pay so much gratuities to the teachers - we don't want the teachers because we have to pay so much house rental to accommodate the teachers - really, what do we want? Do we want the education system or we do not want it? I mean, we must be consistent. Mr.President, I wish a Member would get up and give a reason or explanation.

Some of this gratuity or the increase in gratuity was paid to policemen - which is perhaps one of the reasons why policemen are so finicky these days - their financial arrangements have been revised - they are now put on a contract, most of them and they are being paid a gratuity in lieu of a pension.

In most countries where there is not a police Pension Law in operation, policemen are paid gratuity in lieu of pension and here we have no special police pension law, unless a person elects to come under the General pension law, then he should be paid a gratuity in lieu of pension. And this is what has been the formula - all policemen have been paid their gratuities, those who appear to be on contract, up to the end of 1975, simply because new conditions commenced in the beginning of 1976. And so there was the need to increase the provision under gratuity.

Now it was said that it is more economical to put people on the pension scheme rather than to pay a gratuity and normally I would agree because such people really never touch anything ago, they die before they ever people touch anything ago under Law to salary pension benefits and so on. If it is for that reason, I will agree with the member that the pension scheme is more recommended. What is wrong to dwell on for debate. The calculations of the gratuity with that of the pension arrangements, make no difference at all. One is equivalent to the other and it depends really on what you want and what system you want to operate. In the case of the gratuity it becomes a one-time commitment of Government, but when the officer leaves the service then that commitment ceases. In the case of the pension the commitment starts when the officer retires. When the officer is retiring he usually asks for a lump sum payment and he usually takes a big sum of money with him, with reduced pension afterwards. In the calculations there is no difference between the gratuity, that is the total sum of gratuity paid and the pension which the officer is likely to receive.

FOR.V.J.Stanbury (continued) Mr.President, there are quite a number of small minor things that were mentioned, recruiting of staff, for instance. Members queried the fact that the estimated figure was $17,000 and the revised figure is $20,000. This is not expenditure which can be controlled because recruitment if it takes place here, in the United Kingdom, a part of is borne by the British Government if it takes place outside of the United Kingdom it is borne by this Government and I think that the recruiting expenses for that particular year was borne mostly by this Government and that's the reason for the increase in the revised estimates.

It is also said that the money provided for training was not very much but if all of Government's expenditure, if all of the expenditure under other Government's grants, like the British Government, United Nations, University type of, were pooled together then I am sure that you would see that the money spent on training is quite a large sum of money. It is not yet clear is provided in the estimates for in-service training. A lot of the training which is done for Civil Servants is paid under Scholarships in-training is your another expenditures.

Mr.President, the issues facing us in developing and the development requires us to commit ourselves to be in a period of recession and because of this people have become a bit concerned about the situation. I think that we have done very well in this year. If all we have done is to spend the revenue reserve estimate that came forward from 1974, the new year 1975. I am sure, previous hon Members we have been using a lot from the beginning of this month with the freezing in the hotels, and I am sure that will continue.

The criticism which has come to Government is quite in order. I am sure that we should not be big enough to take it. What we like is constructive criticism. The criticisms to be based on facts. Members of Executive Council have been given responsibility for various subjects and I can vouch for them that each one is working hard, spends long hours in office and puts in what at present time all aspects of the job. It is really disappointing to hear the remarks it hurts being passed on this side of the House, although some members don't like us to use that expression, but this side of the House is run by the Executive Council and I am sure that as long as it remains this way, the expression will always be used. Mr. Mr.President, we should criticism, as I said, when there is constructive criticism. We should welcome when there is need to oppose, but when we have a period of recession, when we have any hungry people sitting in the gallery and listening to the legislators of the various Islands debating important subject. We should criticise them and we should encourage them and we should endeavour to avoid creating an image which would lead to lead them to lose respect for the Government, and especially others who hold important positions in the Government. We are very concerned about this, Mr.President, I know that workers talk a lot because they are gifted, they have the gift of speech, to my own speak for hours and for days they can create laughter and they can create amusement for the people in the gallery, and they do so sometimes at the expense of politicians, Government in power which, in my estimation, there is no need for such criticism.

So we have on hand the Finance Committee I would like to ask Members' support in examining the 1976 Estimates. We have three New Services and under the Governor's Department there additional Police are being augmented. Mr. President, I am sure that with the revision we are to at present, you will agree that before this bringing in new bodies into the service that these three positions could be filled from within the service. I will ask the Finance Committee to approve of these positions and that is they are filled people coming from the value officer will be transferred here and these lower positions surrender, so that the these new positions

HON. V. G. CHAGAN (NAMTHUCHI): ...failed and those old positions are cancelled. There will be no adjustment on the salary. In other words, Mr.President, the establishment will not increase, but only that we are asking for those positions to be available under Head ... for the appointment, as suggested here.

Prior Education (PRAIKEM): ...will be asking for ten teachers who are now on temporary appointment in the Primary School to be approved as from 1st January, 1976 but that the other teachers will only approved with effect as from the 1st of September, the new school year, 1976. I think this was the intention of the Member. In any case, to ask that these teachers be available for the new school year in September, 1976. Otherwise, Mr.President, I shouldn't think that there would be any serious objection to the proposals in the Estimates of Revenue and Expenditure. The new Services are just a few items, (Capital) Expenditure, but very much we have to cut any of the proposals there than only two ... projects could either be, that is the Pier Project and the road programme. The balance of it is just small items, what we would call kitchen food. In the Recurrent Budget what has been put forward this, as I said, is the bare minimum, and even below the minimum we have explained those figures which we have cropped which we spend more on ourselves this but nevertheless than we did anything else, so I think very much that there will be very much to almost there, unless members want to do any further supplies.

Mr.President, the petition came to one and although there were a few other small things that I could go on speaking now, I think I will bring the reply to a close and to again thank Members for their contributions, for the support which they have given.

I am sure that when it is all over they will all be happy of what has been put forward. A lot of work and effort has been put into the preparation of the Budget by everybody concerned. It's not just a single Ministry and single thoughts put forward - all Ministries have put a lot of effort and thought into it and I hope that this Appropriation Bill will be passed as it is and have that it will serve well in the coming year. Thank you, Mr.President.

MR.SPEAKER: The Question is that a Bill entitled the Appropriation Law, 1976 be now read a Second Time.

MEMBERS: Agree.

MR.SPEAKER: The ayes have it.

BILL ENTITLED APPROPRIATION BILL, 1976.

MOTION FOR THE SECOND READING OF THE APPROPRIATION BILL, 1976 TO BE REFERRED TO THE STANDING FINANCE COMMITTEE.

HON.W.W.JACOBS: Mr.President, I will move at this time that the Draft Estimates of Revenue and Expenditure and the Appropriation Bill, 1976 be referred to the Standing Finance Committee.

MR.SPEAKER: Agreed.

QUESTION PUT: DRAFT ESTIMATES REFERRED TO FINANCE COMMITTEE

[illegible] COMMITTEE MEETING

[illegible]: Mr.President, could I just indicate here to Members that the Finance Committee will meet on Monday morning next [illegible].

ADJOURNMENT

[illegible]: Mr.President and Honourable Members, I beg to move that the House adjourn until after the Finance Committee has had an opportunity to examine the Appropriation Bill and the Draft Estimates.

[illegible]: I second the motion.

MR.PRESIDENT: The question is that the House stand adjourned until the Bill and the Draft Estimates of Revenue and Expenditure have been referred to the Finance Committee. I would propose that there's a gap of one day between the termination of Finance Committee and the resumption of business so I am sure that Members, all of them, are finding the concentration of effort difficult after nine of their activities. We might appreciate Members great. So on that understanding I will put the question to the House that the Assembly do now adjourn.

QUESTION PUT: AYES.

MR.PRESIDENT: The Assembly stands adjourned until the day following conclusion of proceedings in Finance Committee.

AT 12.30 PM THE HOUSE ADJOURNED.

MONDAY, 8TH DECEMBER, 1975 10 A.M.

PRESENT WERE:

HIS WORSHIPTHE MAYOR (COUNCILLOR MRS. [illegible] RUSSELL, OBE - [illegible])

COUNCILLORS AND OFFICIALS ASSEMBLED

[illegible]	FIRST OFFICIAL VISITOR
[illegible]	SECOND OFFICIAL VISITOR
[illegible]	TITLED [illegible]
[illegible]	[illegible] DISTRICT, [illegible] [illegible] [illegible]
[illegible]	[illegible] [illegible] [illegible]
[illegible]	[illegible] [illegible] [illegible]
[illegible]	[illegible] [illegible] [illegible]

DIRECTED VISITORS

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

MONDAY 13th OCTOBER, 1975 2.30 p.m.

PRAYERS: REV. DR. N. N. DANIS

1. PRIVATE MEMBERS' QUESTIONS

(a) MISS ANNIE JARMAN FORBES, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE N. R. BURKE, M.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

What is the total cost of the Administrative Building to date?
What is the cost of the furniture for the Administrative Building?
What is the cost of the Bank Facilities (Fixed including the purchase of land as from 27th October, 1972?
What is the cost of the repair of roads with bumper grass subsidence on 17th October, 1975?
Will Government share -
(i) Revenue earned from Cayman Airways, Limited from 1st January, 1975 to 27th October, 1975.
(ii) Expenditure for the period 1st January, 1975 to 31st October, 1975
(iii) What amount was spent for security (Guard from 1st January, 1975 to 27th October, 1975?
(iv) What is the number of the personnel including Pilots, Stewards and Stewardesses of CAL and Office Staff?
(v) What is the salary per month paid to the Employees in order of their several positions?
Is it a fact that since April, 1975, the CAL planes have never on any trip had a full complement of Passengers?

(b) MR. JAMES M. BODDEN, CONSTITUENCY OF RIDGE TOWN TO ASK THE HONOURABLE A.R.BURKE,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Recently wide coverage was given by the press to a party of notable personalities present at Caribbean Club by representatives of Eastern Airlines who came to the Island by a special flight. Can you advise whether this meeting was by the invitation of the Cayman Islands Government, were any private meetings held with them and Government Officials? If so, who were the officials present and were any decisions made?

(c) MR.CHARLTON BODDEN CONSTITUENCY OF NORTH SIDE TO ASK THE HONOURABLE A. BURKE,J.P., MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT

Has the Government control tower at the airport been completed and put into use? What is its cost to date?
How many bids were received to construct this building?
Which one was accepted?
What is the square footage of the building?
What is the outside dimension if it is not a metal type structure?
Does it contain a room or an upper portion?

(d) What was the cost to purchase the Government mail van, who was it purchased from, was it by tender notice and has it been very private? It was purchased to transport mail service - has this been stopped? The mail carrier Mr George Town to West Bay was employed in the Post Office, why was no employment found for the mail carrier from Bodden Town?

2. PRIVATE MEMBER'S MOTION: "MOVE BY THE HON. TRUMAN" FOR MAINTENANCE OF MOVING TRAFFIC AT THE PLASTIC EQUIPMENT BY MR. C. CRAIG BODDEN

7. GOVERNMENT BUSINESS

(i) [illegible] Bill, 1975 (Export Finance and Guarantees)

(ii) The Nationalisation (Shipbuilding) Bill, 1975 (1st and 2nd Readings)

(iii) The Companies (Amendment) Bill, 1975 (1st and 2nd Readings)

(iv) The Pensions (Administration) Bill, 1975 (1st and 2nd Readings)

(v) [illegible] (Amendment) Bill, 1975 (1st and 2nd Readings)

GOVERNMENT MOTION NO.1 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975 - TO BE MOVED BY THE FINANCIAL SECRETARY.

(vi) The Pensions (Widows, Widowers and Dependants) Bill, 1975 (1st and 2nd Readings)

(vii) The Matrimonial and Family Affairs Bill (1st and 2nd Readings)

(viii) The Nationalisation Bill, 1975 (1st and 2nd Readings)

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M O N D A Y

9TH, DECEMBER, 1968

10 A.M.

MR. PRESIDENT: I'll now ask the Reverend Neil Banks to say prayers.

REV. N. L. BANKS: Let us prayer. Almighty and everlasting God, on this day of the reopening of this Assembly, we pray for Thy blessing upon all who have authority over these Islands, Her Majesty the Queen and the members of the Royal Family, Our Ministers of Government, especially Sir the Governor of these Islands, the Executive Council and the members of this Legislative Assembly. We pray our Heavenly Father that all may be done in accordance to Thy Word for these Islands that all may be done to Thy glory, in Jesus name we ask it. Amen.

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

MR. CHAIRMAN RANKIN: Mr. President, before we go into the business of the House for the day, I would like to clear-up, by your permission, remarks made by the Financial Secretary in reply to remarks that I made in debating the Budget Speech. He said/on a certain occasion that I had referred to - as you dealing with the acquirements of Civil Servants that in my remarks I had cast of teacher/the name of your integrity. Mr. President, I can assure you that if its anyone who has been in the chair but mine - while that I hold the highest respect for as President of this Assembly, Sir you, and if I in any way led to use any feelings that I might have done, that I apologize, but I still feel, Mr. President, that you only dealt with the remark as was handed to you. I thank you Sir.

MR. PRESIDENT: I shall allow that personal explanation under Standing Order 32, and/for Honourable Member's information I have no exception to remark made, and certain y did not take it as a reflection on my integrity, neither as President or Governor.

HON. JAMES M. RUTHERFORD: Mr. President, could I be permitted to do the similar thing to be on as a point Sir. It was covered in the manner by saying that the Financial Secretary referred to some Members' actions, or person, the impossibility of putting the Cayman dollar on par with the United States dollar. I'd like to clear that. I did not mean a Cayman dollar for an American dollar, but based on the old exchange rate at $2.40 to the pound. So whose actually our Cayman dollar is worthis worth about $1.25 U.S, that is the context in the way that meant it in my debate, so I'd just clear up that it doesn't put across that I meant it dollar for dollar to affect the evaluation. Thank you Sir,

MR. PRESIDENT: I take this remark as a personal explanation under Standing Order 32.

MR. JOHN D. JEFFERSON: Mr. President, under the same Standing Order 32 - during the debate on the budget my colleague from West Bay spoke on the earth being imported from Swan Island, and I feel that I am entitled to make a reply to explanation on that relation.

MR. PRESIDENT: No acceptable material is allowed under Standing Order, it may be a personal explanation of the Honourable Member said.

MR. JOHN D. JEFFERSON: Yes - well thats - the point that I wanted to make clear Mr. President is that under the new 1971 - Customs Law - Swan Island's cattle were excluded into the Schedule. Cattle could be brought in from Swan Island duty free. Mr. President, the other point is that when a cut-off date - when the cattle was seized - beef was seized by the Cayman Islands Customs Department, there had been no publication there. Mr. Holland a few weeks now was sent to Swan Island to.

MR. PRESIDENT. I cannot allow the Honourable Member to make debate now in this, if he is clarifying a point that he made previously that is permissible.

MR. JOHN D. JEFFERSON: Alright - the point that I am making very precisely is that there was no date published for the cut-off of Swan Island cattle, therefore there was no illegal activity going on in the way of bringing cattle in. Once the Government had published a date as a cut-off date - nobody said anything about it. We felt that it was only being fair to the people that were bringing cattle to be able to say this cut-off date to them, so that they would have time to get out what they could, and the thing I didn't quite understand Mr. President - we went after a gazetted date in the Gazette of November 10, 1975, after that day it was published. I couldn't understand why all the fuss was about it. I wanted to make that clear, and the other point is that as far as the health of the cattle is concerned the cattle on Swan Island was attended to by U.S. Department of Agriculture, our own Department of Agriculture attended to the health side, so therefore it was incorrect to say that the importation of cattle from that Island was a risk to the cattle on this Island. Thank you.

MR. PRESIDENT: We will proceed to the first item on the agenda for the day which is 'Questions'.

QUESTIONS

MISS JANET TIBBETTS BODDEN, CONSTITUENCY OF GEORGE TOWN TO ASK THE HONOURABLE A. B. BUSH, C.B.E. MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT:

(1) WHAT IS THE TOTAL COST OF THE ADMINISTRATIVE BUILDING TO DATE?
(2) WHAT IS THE COST OF THE FURNITURE FOR THE ADMINISTRATIVE BUILDING?
(3) WHAT IS THE COST OF THE POST FACILITIES (POST TRUCKING THE MONTHLY OR LEASE TO THE 27TH OCTOBER, 1975)
(4) WHAT IS THE COST OF THE PEOPLE OF SOUTH WEST MINOR WORKS OPERATING TO 27TH OCTOBER, 1975?
(5) WHAT GOVERNMENT STAFF:
HOUSING PAYED FROM CAYMAN AIRWAYS, TENANTS PICK BY CAYMAN, 1975 TO 27TH OCTOBER, 1975;
ACCOMMODATION FOR THE PERIOD 1ST JANUARY, 1975 TO 31ST OCTOBER, 1975;
WHAT AMOUNT HAS BEEN PAID FOR CHEESEAU (FOOD) FROM 1ST JANUARY, 1975 TO 27TH OCTOBER, 1975;
WHAT IS THE NUMBER OF THE PERSONNEL INCLUDING CLERKS, SECRETARIES AND STENOGRAPHERS OF OAL AND OTHER STAFF;
WHAT IS THE SALARY AND MONTH PAID TO THE EMPLOYEES BY ORDER OF THEIR SEVERAL POSITIONS;
(6) IS IT FACT THAT SINCE APRIL, 1975, THE CAL FLIGHTS HAVE NEVER OR ANY TIME HAD A FULL COMPLEMENT OF PASSENGERS?

ANSWERS

(1) $1,777,895.00

(2) 174,752.75

(3) THE TOTAL COST WILL BE $1,086,833.35 WHICH DOES NOT INCLUDE CONSULTANTS AND CONTRACTORS FEES $679,418.25
PURCHASE OF CPU 327,425.10

(4) IT IS ASSUMED THAT THE HONOURABLE MEMBER IS REFERRING TO THE HOT MIX ASPHALT RESURFACING WORK IN PEEL ROAD. THE COST TO DATE IS $1,037,270.25

(5) THESE QUESTIONS ARE DEEMED TO BE INTENDED TO MANAGEMENT OF A PRIVATE LIABILITY COMPANY WHICH IS NOT NORMALLY RESPONSIBLE TO GOVERNMENT AND WHILE THE GOVERNMENT OWNS 49% PLUS OF SHARES IT DOES NOT HAVE ANY CONTROL OVER THE MANAGEMENT OF THIS PRIVATE COMPANY. GOVERNMENT MEMBERS OF THIS PRIVATE COMPANY DO NOT HAVE ANY MORE SAY THAN OTHER SHAREHOLDERS. GOVERNMENT IS ONLY A SHAREHOLDER. WORK IS UNDER WAY TO CONVERT THE COMPANY AS A PRIVATE LIABILITY COMPANY, ENTITLED UNDER THE LAW TO MANAGE ITS OWN AFFAIRS, THE GOVERNMENT CANNOT INTERFERE WITH THIS TO SATISFY THE CURIOSITY OF ANY PERSON. THE SHAREHOLDERS MEETING IS SCHEDULED TO TAKE THE INFORMATION ASKED FROM CARIBAN AIRWAYS LIMITED.

(6) IT IS NOT A FACT THAT SINCE APRIL, 1985, P.A.L. FLYING HAVE NEVER LOST AN ANY TIME A FULL COMPLEMENT OF PASSENGERS. THE C.A.L. PLANE HAS ARRIVED ON MANY OCCASIONS WITH ZERO.

MR. SPEAKER: (Interpreted) Mr. President, I present that is in curiosity on my part, perhaps y nor. It is for the good of this Government and its .....,

MR. JAMES K. BONDER: Thank you very much, Mr. President, I was not quite sure whether Members of the House are entitled to these answers. Being it's a Limited Liability company, because the role equity in the company owned by the Guyana Government is public money, and is represented by the Elected Members of this House, I think that we do have, or we should be entitled to know what is going on, particularly when it has been known to many in the country in the House of the financial difficulties which Caribbean Airways has been having and in view of the fact being able to find such a particular task, I would like to ask a question to the Member asking him what he is proposing to do to bring the company out of its financial position, that it is supposed to be in now.

HON. M. S. HUSAIN: Mr. President and Honourable Members, this I think is a matter for the company itself, I do not think I have any responsibility to take it or bring the company out of its financial situation that it is in.

MR. G. FITZ-POLDEN: Mr. President, I would like the leave of the House to make a motion that we debate the reply given to these questions, in-as-much as the replies are totally unsatisfactory, and unacceptable.

MRS. GRETT H. BOSTIC: I beg to second that motion.

MR. G. FITZ-POLDEN: Mr. President, I refer you to Standing Order 27.

MR. PRESIDENT: I am aware of Standing Order 27. I am looking at Standing Order 23 about motion of motions. Subject to correction by the Chair I think that it is perfectly proper to put down a motion for debate either - but I think that notice must be given.

MR. G. DAVIS MORTON: In that case Mr. President, I give the House notice that I will put down the motion for tomorrow morning.

MR. JAMES M. MORTON: I second that.

MR. SPEAKER: Under Standing Order 20 normal period of notice is eight days, but the President may allow questions to be asked without notice if in his opinion it is an urgent character. I think that this does touch on the responsibility of Government for answering for statutory boards and private companies like Cayman Airways, and may be it is well that attention on this floor of the House so I am prepared to accept twenty-four hours notice in this instance. I'll ask the Clerk to put/in the agenda for tomorrow morning. The Honourable Member will put his motion in writing to the Clerk so that Members may be aware of the exact terms.

MR. C. ELIZ BODDEN: Yes,Yr. President, I will supply the Clerk with the written motion.

MR. JAMES M. MORTON: Supplementary,Mr. President, following on to question number one - what is the total cost of the administration building to date, I'd like to pose a question to the Honourable Member as to the amount of the various bids that were placed and the figure of the one that was accepted, Sir.

HON. A. B. BUSH: Mr. President, I am sorry Sir; I am unable to give him - those figures now. I have answered the question which was put to me in writing, and I think the Member will have to put his question in writing so that I can get the figures for him if maybe over at a later date.

MR. JAMES M. MORTON: Could he give us then the figure that was accepted in the original contract for the building of this building.

MR. A. B. BUSH: Mr. President, I really can't do that at this stage.

MR. JAMES M. MORTON: Supplementary Mr. President, how much was allotted in the contract for the completion of this building.

MR. A. B. BUSH: Again Mr. President, I am unable to answer this.

MR. JAMES M. MORTON: How much time elapsed was passed in the contract due to it taking so long to complete. That is a supplementary could we have an answer.

MR. A. B. BUSH: Mr. President and Honourable Members, I can't recall the exact time, that's been over the contract, I really can't answer that at this time, Sir.

MR. JAMES M. MORTON: Supplementary, was there a penalty clause in the contract for the time over run.

MR. A. B. BUSH: Again Mr. President, I don't have the contract before me, so I really don't know.

MR. JAMES M. MORTON: Supplementary Mr. President, would the Honourable Member care for the contract so that he would able to answer these questions.

MR. A. B. BUSH: No.

MR. JAMES M. BOOTEN: It regards to that then being he will not hand for it to give us the answers. I ask your indulgence to let me query it a bit further. Could the honourable Member take to state to the House what manner of land survey was employed to guarantee the completion of this contract.

MR. S. S. EUGH: Mr. Premiermy, these are all in the contract Sir, and I can't keep these things in my head, its just impossible for anyone to do it, because there is not just this one contract, there are many contracts, and then we will get the figures confused. I notion would say to the Member that if he wants these questions answered, he could please come to the office or one time to the Legislature in writing, when he will get the proper figures presented to him.

MR. JAMES M. BOOTEN: Mr. President, I cannot agree with that, because I usually get evasive answers like we're getting now. I would ask the indulgence of this House to adjourn for fifteen minutes while the Honourable Member waits for the contracts so that he could answer these questions, because I have quite a list of supplementaries that for the benefit of the Members of this House we would like to get answers for.

MR. E. ARIS MATTHEW: Mr. President, I second that motion.

MR. PRESIDENT: Are you the Members not so prepared to get down specific questions unless - its getting late for any face the actual work. I think it is asking a bit too much of the Member to expect him to have these supplementaries, which I think are getting away slightly away from the actual effective questions. I think/My Honourable Member would write down these questions, the Honourable Member could either let me have the reply in writing, or further questions would be put then, which would give him time to give exact replies.

MR. JAMES M. BOOTEN: Mr. President, I am prepared to bow to your ruling, but we must bear with simplified into the reason for supplementaries is to keep a Member on his guard, give a Member on a particular subject that should have the material available, especially that there will be supplementaries, because if we merely question Mr. President, we usually get very evasive answers, and that is the reason that sometimes our questions have to be couched in the manner that they are couched, and I would very much like to go into my query, and I do not think I am getting clear cut off the original question. I would bring one thing to the attention of the House, and that is this: that we did submit more or detail questions on this, and as there was a question already by/the other Members submitted, which was submitted before ours, ours had to be withdrawn, so I still would like very much, unless for the Member to let me peruse my line of questioning, or send for the contracts so that he will be able to answer the questions, Sir

MR. PRESIDENT: Well Standing Order 27, says that supplementary questions will be allowed for the purpose of further elucidation any matter or part not made clear by the reply. And the question is - what is the total cost. And that has been specifically answered, so that I think the Member is entitled to further notice if we're going into the terms of the contract, penalty clauses and so on.

MR. JAMES M. BOOTEN: Besides, on the answer that President has also the question - the question deals with the total sums of the Administrative Building, and it cannot be simply just put on the Administrative Building, labour for one thing has to be taken into

MR. JAMES M. BODDEN (Continued): consideration. I would like to ask the Honourable Member moving him, that in the original contract which was written two years ago, what was the price that was worked in to the work-out at that time as to paid to carpenters, electricians and so forth, in order to arrive at a base figure under which the contract was let.

MR. A. B. BUSH: Mr. President, this is most impossible for me to say what wages were paid to workmen when that contract was entered in. - I just haven't got those figures in my head. The Member can have those figures, but I haven't got them on my hand, if he wants the answer I would suggest to him that the proper thing to do is to put them in writing, and he will get the answers from me in this Assembly - but it is impossible for me to give him - I would just be giving him figures from the air.

MR. JAMES M. BODDEN: Mr. President, following along this line we have an account to this House because the Government has had to pay it. And it has been a drain on our resources. I understand that the estimate when it was let would figured for carpenters, electricians and plumbers at $2.00 an hour, which meant that that was/figure on which labour at that type was paid six or seven years before the contract was entered into, and in order to have/other run which we have had to pay it seems like we are going back on figures that were valued six or seven or eight years ago in order to figure the cost over-run on labour since the contract was let. So that is why these questions are very relevant in this House to find out exactly what was involved in this contract Mr. President, and I would hope that the Member would take it in the manner in which it has been put forward, and try to answer these supplementaries now so that we could get one single clinched up on this side of the House. In view of him not being prepared to do this, I will pose another supplementary - will the Government Member on behalf of the Government Bench agree to table the contract in this House during this Assembly sitting.

HON. A. B. BUSH: Mr. President, as has already been explained to Members it is not Government's policy to lay any contract between the Government and any company on the table of this House.

MR. JAMES M. BODDEN: Another supplementary following on this Mr. President, in view of the added expenditure which this building has cost, would the Honourable Member care to state whether Government has received all of the discounts, or he is assured that Government has received all of the discounts that should have come to Government from the furnishing agents etc., in regards to furniture and other supplies.

HON. A. B. BUSH: Mr. President, this contract - this particular contract on it, and I am sure, I am sure that the consultants on Government behalf took advantage of everything that they possibly could.

MR. JAMES M. BODDEN: Further supplementary, based on the total cost of this building, would the Member care to state what discount did the Cayman Islands Government receive on the recommendation of the consultants in regards to materials that were purchased, was it 10% off a list price, 20% off a list price or 30% off a list price, would the Member care to state.

HON. A. B. BUSH: I don't know Mr. President, I can't answer.

MR. JAMES M. BODDEN: Further supplementary, he does not know. I wonder whether it may been checked into to find out if we did get all of the discounts that were supposed to come to us, or whether some third

MR. JAMES M. MORGAN (cont'd): party may have benefited.

HON. A. B. BODDEN: Mr. President, I think this must be speculation on the Member's part, but I have no idea that any third party was ever brought into any contract for Government, and I am sure as I said before that our common trust to Government builds have received every advantage for Government that they possibly could.

MR. CHARLES V. ADAMS: It is not speculation, it is highly relevant. We are dealing with the people's money, we've spent quite a bit of it on this building - what I was trying to find out is whether the material was purchased - the proper purchasing that passed on the benefit of the discount to the Cayman Islands Government, and they do receive these discounts all of this nature, so I would like an item on hand at this House whether the Cayman Islands Government received these discounts.

HON. A. B. BODDEN: Mr. President, again I must say to the Member if he asks a question to the House I will go into the matter and see whether all this what he is asking was done or not. I can't do any further with it Sir, I am sorry.

MR. [illegible]: Mr. President, supplementary question; with regards to the cost of the furniture of this building, can the Member say whether the cost given here compares favourably with other bids, and can the Member tell us which this particular cost stands amongst the other bids.

MR. D. H. TIBBETTS: Mr. President and Honourable Members, I would say it compares favourably with other bids, but we must take into consideration also the type of furniture that is in the building, and this was the type of furniture that was recommended for the building, and I don't think it would be fair to say where it may come within

MR. G. HAIG BODDEN: My. President, another supplementary: can the Member say if this was the lowest bid obtained or the highest bid, or normally where did it place amongst the different bids.

HON. A. B. BOSH: I don't know just where this was placed among the other bids, Mr. President. I really don't know. This bid I think was accepted by a Tenders Committee and I had nothing to do with this. And I even think there were several bids, I don't know just where this came in, whether it was under above or what of the others - I know that this was the one that was accepted by the Tenders Committee.

MR. G. HAIG BODDEN: Mr. President, can the Member say if this bid was double that of some of the other bids

HON. A. B. BOSH: I cannot.

MR. JAMES M. MORGAN: Supplementary, would the Member state whether the delay in the furniture delivery had any cause to increase the overall cost of the furniture to Government.

HON. A. B. BOSH: I don't think so - I don't think that had anything to do with it at all.

MR. JAMES M. MORGAN: How many bids were received, and could you give us the amount of each bid.

HON. A. B. BOSH: I cannot give the figures of the bids Mr. President, other than what is here the one that was accepted by Government.

MR. JAMES M. BODDEN: Supplementary, would the Member state who recommended the particular company that the furniture must be purchased from.

HON. D. O. POST: I don't know, Mr. President.

MR. JAMES M. BODDEN: Will you on behalf of Government table the list prices and the discounts that the Government received on each of these items, or from each of these companies.

HON. D. O. POST: I think this will come in the same as the contracts. I don't think I will be able to table these for you.

MR. JAMES M. BODDEN: Mr. President, I wonder how the Member can be so definitive in denying us these rights when he can be so evasive when the other questions are put to him.

MR. SPEAKER: Is that a question.

MR. JAMES M. BODDEN: Yes Sir.

MR. CRAIGBOCK EDWARDS: Mr. Speaker, may I ask the Honourable Member a supplementary question re/the cost of the furniture, does this cover the total amount furniture for the building, in other words has all the furniture been received, or is it going to be in future

HON. A. H. HOLT: All the furniture has been received, and this covers it all Sir

MR. JAMES M. BODDEN: Since we have received all of the furniture, and the administration building is completely furnished, would the Honourable Member state what has happened to the other furniture that Government had on hand.

MR. SPEAKER: I think this is going very far from the cost of the furniture for the new Building. We will have to go to the next question I think.

MR. JAMES M. BODDEN: Mr. President, we have other questions on the port facility and a couple of other items that haven't been dealt with under the question that was put to by the Third Member from George Town. We were only taking them from the list, I wouldn't want to venture to go to my question next.

MR. SPEAKER: Are there further supplementaries, please let me have them.

MR. JAMES M. BODDEN: Again is a question tabled by the Third Elected Member from George Town that is the cost of the port facilities including the purchase of land to the 31st October, 1971, and we would like to deal with supplementaries under this, and my first question is: it would be, as a part of the cost which has been quoted to the sums as $1,399,833.00, whether there was a certain amount of excavation that was not covered in the contract, and which Government had to pay in addition to this, in relation that was paid for by the contractor.

HON. A. B. ROSS: Mr. President, this was the cost up until the 27th October, 1971 as was asked for originally, and this does not include any other cost than what is here. Consultants and contractors fees, which is the contractor on the job and purchase of land.

MR. JAMES M. BUCHAN: Thank you very much indeed, Sir. The question I have asked is - whether this particular sum that he has given to us has covered a certain amount for excavation, that was done... ...POWER FAILURE

LIGHTS SWITCHED
POWER RESTORED

MR. PRESIDENT: Please be seated. Proceedings are resumed

Mr. James M. Buchan: Supplementary Mr. President, on the third section of the private Member's question - we have been given an answer by the Member responsible that £1,949,000 dollars have been spent. As a part of that figure I am assuming, whether this covered a certain amount of excavation, or whether that was paid separately by Government and not included in this figure, or whether that had to be paid by the contractor himself.

HON. G. W. REES: Mr. President, Honourable Members. The answer is the one which is quoted here, it is not what the Member is asking about.

Mr. Hazel M. Smith: Well the work that was done was not done for free, and so it's a part of the port project and the question deals with the port project, why has it not been brought in.

HON. A. R. RUSH: Mr. President, the figures relate to the cost as of the 27th October, 1975 as was asked in the question.

MR. JAMES M. BUCHAN: This study was split before the 27th October, 1975. Why has it not been added to it.

HON. A. R. RUSH: Mr. President, I can't elaborate on this any further, Sir, this is for what it is stated here in the answer in reply to the question that was asked, and no doubt there will be other expenditure which will have been, but not as of the 27th October, 1975.

MR. JAMES M. BUCHAN: Further supplementary, being the Member doesn't have the answer to that I will not pursue it any further, but this figure that is given to the House would be different one way or the other, by a non-fulfillment clause which is normally in contracts and I would ask the question of the Honourable Member whether there has been a daily fine to the contractor for non-fulfillment in his work to date in regards to this figure that has been given to the House.

HON. A. R. RUSH: I don't think Mr. President, I don't know what the Member means by non-fulfillment clause, I think the construction has been going on under the circumstances as well as can be expected, and it has been accepted by the consultants that the work is going on as best as it possibly can under the circumstances.

MR. JAMES M. BUCHAN: Another supplementary, again to affect. This figure, whether to increase it or decrease it, contracts of this nature, and this one has I think a similar clause in it that there is a per diem cost for non-fulfillment, and I would not like an answer to this one, Mr. President, because I have the answer to it. What is the per diem cost for non-fulfillment in this contract, and whether the contractor responsible has been called on to pay any of it.

MR. SPEAKER: With respect I think this is getting too far away from the question - the question is how much money has actually been expended on the contract up to a certain date, and this answer has been given.

MR. JAMES M. BOOREM: I abide by your ruling Mr. President, but I must still submit that we are entitled to ask these questions as that is a part of the overall expenditure, and we are trying to find out why this money that was spent. And I will post another question then that we be - late any more we waste be wrong. As part of this cost I am sure that this includes a certain amount of blasting, which was done. Does this price include the blasting, and did Government give permission for this blasting to be done.

HON. A. B. ROSE: Mr. President and Honorable Members, the blasting was the responsibility of the contractor and Government did give permission for the blasting.

MR. JAMES M. BOOREM: Further supplementary, the consultants and contractors fees as $672,418.18, would the Member state what part has been paid to the consultants.

HON. A. B. ROSE: I cannot state that here, Mr. President, I would have to go to get the exact figures as to what was paid to the consultants and what was paid to the contractors. If I give him the figures it probably wouldn't be correct. As the consultants fees as the Member probably knows are not paid all at one time, and there is a certain amount of retention fees held back as the work progresses.

MR. JAMES M. BOOREM: Further supplementary, based on the price that has been given to us for the consultants and maintenance fees of 672,418 dollars, does this include the amount that was paid to the contractor for the work that he did, and could the Member state what amount that was agreed to be paid was.

HON. A. B. ROSE: No Mr. President, I cannot state that.

MR. JAMES M. BOOREM: Further supplementary, based on the same question, and the same answer what was the actual amount that was paid, other if you do not know the amount that was agreed to be paid, what was the amount that was paid.

HON. A. B. ROSE: I don't have the exact figure as yet, Mr. President.

MR. JAMES M. BOOREM: Is it true that the fee for doing this job was roughly a 120,000 dollars.

HON. A. B. ROSE: No

MR. F. ALEX BROWN: Mr. President, supplementary we rather stand that the Member is not able to give us the exact figure, but could he give us a rough estimate of the amount that was paid to consultants and the contractors. In other words can he say roughly what percentage would be consultants, and what percentage would be contractors fees.

HON. A. B. ROSE: Mr. President, as I said before I cannot break the figures down to consultants or contractors.

MR. PRESIDENT: I think if the Honourable Member hasn't got this information it will be quite simple for him to give it in written to the questioner, but he definitely needs access to reports which/him not before him at the present time.

MR. JAMES K. BOGGS: Further supplementary Mr. President, this is a matter that we dealt with by the Honourable Member every day, and it is difficult to believe that these questions cannot be answered in the House. I am asking another question to him, Sir, as a part of the figure for consultants and the contractors fees, did the U.S. contractor perform his duties as per the contract and complete in accordance to the contract before the amount was paid to him.

ITOH, H. H. MOSH: Mr. President, some work has not been completed, but it will be completed by the contractor.

MR. JAMES K. BOGGS: Mr. President, another supplementary: Since from records or non-happening my Minister this contract was begun. A legal contractor was to be fined 500 dollars per day for every day over ten days if the job was not completed. Why is it that this job is not completed, and why is it that this contractor is not being charged for this sale every day that the document is being non-fulfilled, could I have a specific reply on that Sir.

HON. A. B. MOSH: Mr. President, such a Clause was never put in any contract that entered into with a contractor to do the contract. This was agreed that these would be done, and it will be done. I can assure the Member that, and no/NO dollars a day was ever put into it for non-performance. In fact the work has to be done in stages because the contractors and the one who is doing the excavation could not work together at the same time, one had to give way to the other. So this is the reason why part of it hasn't been done.

MR. JAMES K. BOGGS: Would it surprise you Mr. President, and this House if I told you that a local company which I am shares in was approached to do this job, the quote was 750 pounds/STG American has done it for, and the fine/that contract that was being negotiated with me as a private person, I think was either 400 or 500 dollars per day for every day over ten days for non-performance. Now this is really a shock to know that this would be levied against a local company, when it was not levied against a foreign company, and I would still like for that to be explained in this House, Mr. President, why? We would have received enough money by this time to pay for the post project if that had been inserted into the contract but it was being forced into me. I'd like an answer Sir.

HON. A. B. MOSH: Mr. President, I think the Member is probably trying to get in an argument with the House. I wonder if he would tell the House whether this proposed contract which was to have been entered into by him, is some company which he was interested in and some kickbacks.

MR. JAMES K. BOGGS: Mr. President, could I have your permission to answer that one, Sir.

MR. PRESIDENT: You can ask questions, it is question time.

MR. JAMES K. BOGGS: Will Mr. President, be his levied a question in reply to a question which he should have answered with a direct answer. I cannot answer that or was I have your permission because I am not the one that should be questioned, it is him. I would like to clear it with this House Sir.

HON. A. B. MOSH: Mr. President, if I may say Sir, the question that he/is asking about moves did materialise. I'll answer Sir.

MR. JAMES K. BOGGS: Mr. President, I agree that it did not materialize, could I have the Chair's permission to explain why it did not materialise.

MR. PRESIDENT: I think you may make a personal explanation under the original question, but I hope the Member can keep it relatively brief, because we're getting into debate on this - this is not the subject for question time. But the honourable Member may make a personal explanation of his original question.

MR. DAVID A. DOUGLAS: I thank you very much for your ruling on that, Sir. The honourable Member with consultants approached me in a mad rush to find out how quickly we could get the equipment on hand to do this job, and how long it would take. Originally it was supposed to be done in seven days, through negotiation it was extended to 10 days, on a deal that if the job was not completed as per the contract there would be no money paid - no cost to Government at all for what was done. That was in lieu of putting up a performance bond which they knew their most local companies cannot put up. During that time it was stated by every one concerned that a certain amount of blasting had to be done - it was agreed, blasting would be done - two shots of limited power were put in, and that was all. We knew then, told by the consultants that the Government would not give permission for any blasting - the complaint was against it - everybody else was against it, and it couldn't be done. We were/were then told by the consultants that our equipment was on hand two days later ready to do the job - we were then told by the consultants that he had recommended that the job be given to Kudlgina for over 200,000 dollars, when we had had 45,000 for it. The job was then given I understand to Mr. Jackson for roughly 127,000 dollars. Under our contract we had to perform and complete within 10 days or not get paid - 45,000 dollars for the job, and it at most took 10 days pay - five at either 400 or 500 dollars a day. I am outlining it as to why this was not inserted then into the American contract. Everyone knows that for approximately every day for one month blasting has been done in the Cook Area - if Government couldn't not agree to let a three week/three block for say one day: how has it been able to allow Kudlgina to blast in the same area for over one month. Mr. President, these are telling questions, and the people of this Island, not the Members, but the people of this Island are entitled to answers on this, why this amount of money has been spent, and why it was not under the 45th basis as it would have been on a lump sum contract, now I will not pursue this subject any longer - at this point I still reserve the right to query the Member on a few supplementaries. Thank you very much Mr. President.

HON. A. B. BLEE: Mr. President, with your permission Sir, if I may - correct some of what the Member said. It is true that we the Member of Government responsible for this subject, along with my consultants went to the Marine, because of his interest in a device which we thought might have been capable of doing this work for us But it was discovered - he brought his device aboard and he tried the battery and he could do nothing at all with it, so the demonstration failed in that altogether, and we had to look [illegible] to have this work done. There was no mention of blasting - we would only have accepted blasting as a very last measure under which the work was to be done, and it is not right to say that a U.S. contractor was given 127,000 dollars to do the job, that is incorrect, because it was as such Member even mentioned above it - the main contractor on the job referred to as the work for Government for a sum which Government would not accept, and did not accept, and the blasting as I said before was all on the master bus contract in the figure of the breach, the extra excavation which would have to be made to bring the depth to the required depth for Government was at Government's expense, and this was to have been charged proportionately by the contractor according to the figure which was inserted in the contract for the digging of the breach - this was the excessive material above a certain depth which was rejected rock, or which was required by Government [illegible] that it be taken away etc. But Government did not accept the figure - the overall figure which was charged

Hon. J. B. Fish (CONTD.): them, or which was offered to them by the contractor to do the job.

Mr. James M. Doody: Mr. President, I am surprised to hear the Member state that no bidding had been opened up, because that can be proven otherwise, and I will not pursue it. I injected the price of 120,000 dollars intentionally Mr. President, because I had just previously fielded a question asking the exact cost to this not know. The American contractor told me that he did the job for 100,000 dollars Sir, and I put the other 20,000 in to see the reaction I would get.

Hon. A. A. Irish: Mr. President, that is absolutely a false statement, Government did not pay 120,000 dollars to any contractor to any work there - the contractor owes the Crown by more than, or had not agree to it.

Mr. Speaker: I'll remind Members that we are still on question number one.

Mr. John M. Morris: Sir based on this particular question - how much has been paid to Hamilton under this flimsy for the contract that they are working on now in the harbour.

Hon. A. A. Rose: Mr. President, as we look back to what Mr. Wade Hallaby, I really didn't have the amount that was ever paid under this figure to Mollgino. It was a figure inserted in the contract for the digging of the ground by the contractor, which was his responsibility by Government, but I cannot pick out in this figure that I have placed here just what was paid to the contractor, and what was paid to the sub-contractor. This has been going already.

Mr. James A. Wight: You made that particular mention then how much do you anticipate paying Mollgino for the trench area.

Hon. A. A. Irish: I really can't truthfully answer that question Mr. President, I mean .....

Mr. James A. Wight: I'll withdraw it Mr. President.
Further supplementary Mr. President, would the Member care to give us the estimated cost that is reserved in the contract with Mollgino for the dock.

Hon. J. B. Rose: I am not sure whether he means the actual bid on the dock by Mollgino, or the contractor or what.

Mr. James A. Wight: Mr. President, I would have to put the question that has been covered because I would not want to bring out the supplementary because they might be the same. Just the cost of the contract as is covered there for what they are going to do.

Hon. J. B. Rose: The answer I maintain I think could be given about. The overall figure on the contract.

Mr. James A. Wight: Not the overall contract, because there is a lot of supplementation which we will have to come back in and vote money for, I am asking what is the amount for A, B, C, D. of the contract that they are going to do.

Hon. J. B. Rose: I really can't state them Sir. I think he is talking about the trenching - there was a con ... ...

MR. JAMES M. SCOTT: I withdraw that question Mr. President the question is the actual cost of the contract that we have with Anaconda - what is the current investment on it.

MR. PRESIDENT: Does the Honourable Member mean the total cost of the contract.

MR. JAMES M. SCOTT: The actual cost of the contract not including the supplementaries, Sir.

HON. A. B. BUSH: I can't remember the exact figure Mr. President, but I think it was something like a million and forty seven thousand dollars. As something like that, one million and fifty-seven thousand dollars, I think that is what it was.

MR. JAMES M. SCOTT: Mr. President, following upon the fourth section of the private Member's question dealing with the repair of the roads, with your permission I'd like to direct a few questions to the Member in charge. The question - the answer that we have for it is 1,[illegible],70 dollars for the small amount of road repairs that has been done. I would like to ask the Member at this time whether that figure includes the purchase of the hot mix plant, and what was the cost price of the hot mix plant.

HON. A. B. BUSH: Mr. President, this includes the price of the hot mix plant, but I cannot tell him the exact figure for the cost of the hot mix plant at this time.

MR. JAMES M. SCOTT: Unnecessary, did we get the usual discount that is given on purchases of this nature, and if so what was the percentage which bought the hot mix plant.

HON. A. B. BUSH: I don't know what discount was had on this - this was ordered from the manufacturers in United Kingdom. I don't know what discount was given.

MR. JAMES M. SCOTT: Further supplementary, this is a very large sum of money 1,107,270 dollars, and the hot mix plant we have been told was a part of this figure, was this bid for that submitted by tenders or did we just buy something that somebody suggested as to buy.

HON. A. B. BUSH: It was not submitted by tenders because there were no suppliers of such a thing around the Islands, and this was the best quote that we had from all the companies which we advised about a plant of this size, and the only place that a plant of this size could be obtained was in the United Kingdom.

MR. JAMES M. SCOTT: Further supplementary. Following the lines of this question, we have been told that up to the 31st December, 1975 1,107,270 dollars have been spent, would the Member tell us how many miles of road did that cover.

HON. A. B. BUSH: Approximately eight miles, I believe it is 7.7 miles, something like that.

MR. JAMES M. SCOTT: How many miles do we have to do.

HON. A. B. BUSH: We have twenty-eight miles altogether to do in the programme.

MR. JAMES H. BOOTH: Mr. President, just give me a second before I finish my next question.

MR. CRADDOCK ESSAMS: Mr. President, the Member stated that it wasn't for two tonnes because there were no suppliers of this type of equipment, could the Member say how Government got in contact with who then to supply this plant.

HON. A. H. YUSUF: This was communicated to the various users in Britain who referred us to their area. Here Parkersmill Brothers Limited,

MR. CRADDOCK ESSAMS: Mr. President, how can the Member state or know for a fact that there was not any other supplier if matter wasn't put out for tenders.

HON. A. H. YUSUF: Mr. President, as I have explained this is a special piece of equipment, we were not aware that anyone here in the Island was suppliers of such equipment - we first communicated with the United States that really supply plants like this, and we have from several companies, but some of the prices quoted to us were within our reach at all, so this is why we went to the United Kingdom also referred us back to their agent here, Parkersmill Brothers Limited in their area.

MR. JAMES H. BOOTH: Oh, so it was done locally.

HON. A. H. YUSUF: It was channeled through Parkersmill the agent for Parker Equipment.

MR. JAMES H. BOOTH: I thought the Member had just said, Mr. President that it was locally but any instance I shown through or knew anything about it .....

HON. A. H. YUSUF: Mr. President, at the time we were getting this, we did not know that there were suppliers of this, until we communicated with the United Kingdom then we discovered that they were the agents, and then the business was done through them. I must say that this is the only type of plant that we could possibly buy - the smallest plant that we could have gotten from the United States, and which we had quotes on and which was far above the price of these - it was one for 85,000 tons of asphalt an hour, which was impossible for me to handle, so we had to resort to this/[illegible] and because it was the only one which our finances could afford and which we could manage to handle, and this is a 50 ton an hour plant.

MR. JAMES H. BOOTH: Further supplementary, how much did the plant cost us.

HON. A. H. YUSUF: The exact cost of the plant I am unable to state right now sir, I would like that the Member if he wanted those figures he could note to an address and we could certainly have them.

MR. JAMES H. BOOTH: Mr. President, for my next question it really would have been appropriate to receive an answer to the last question, because if my figures are correct it costs - based on what has been spent as the spending site also in the neighborhood of two dollars to do what is done in Jamaica for twenty-three dollars. In other words a ton of asphalt, or a ton of this treatment in Jamaica usually comes on cost thirty four cents, four per long and it cost twenty three dollars to do it - based on the figures that the Minister has stipulated to us - we have done forty kilometers, five carriage and sixty feet of road with a cost of 1,200,000 which I think would real out be roughly two dollars or five times as much. At that rate Mr.

MR. CASEY M. [illegible]. President, it is going to cost us 4 575,44[illegible] dollars to do twenty eight miles of road . . . . . .

MR. [illegible] is this a question.

MR. JAMES M. [illegible] Yes Sir, I am not through with it sir. I would want the Member to tell the House why is it then that the cost here is so much greater that it would on any other place to do exactly nearly five times as much - what would be account for it - is it the labour - is it the material cost so is it because someone doesn't know what they are doing.

MR. M. L. [illegible] Mr. President and Honourable Members, I guess the Member can make figures - its no doubt about it, but I think he should go over them because his figures are incorrect - I think he is wrong - as has been said this is one part of the settlement - the cost of labour - the cost of material and clause is a great amount of material that has been bought that has not as yet been used - there is quite a storage of rock material for the roads and asphalt - the cost of this material for the road programme has already been bought and paid for, and has been stored on the site - as the equipment has been bought, so it is not that he is figuring is that this amount of road which is approximately 5 miles of sand has cost 1,707,279 dollars - this is not so - this includes material that has been bought and paid for and is stored on the site - most of the material for the road programme has already been bought, and so this includes it all, so its easily not as he has figured it - it is that material cost, labour cost, equipment and every thing else is all into this figure.

MR. JAMES M. [illegible] Another supplementary Mr. President, I am glad to hear the answer that Minister just gave us because I qualified my previous question by saying that it he had been able to give us the figure for the material that we would have been able to know how much the cost was going to cost us, so he mentioned that so the only way to figure it out was to figure the ultimate cost would I say - I am by [illegible] these questions, Mr. President I am really getting down that the very soon of the answers or these things. As [illegible] my next question I'll leave the meeting out - many [illegible] men are on this hot mix plant, and how many hours at generation does it cover just so have left.

HON. A. P. [illegible] Mr. President and Honourable Members, there has been a breakdown on the hot mix plant, I'm unable to say just how many hours it covered, I can/[illegible] further in order to satisfy him that this was explained and it done by the Manufacturers who sent a man down here to have the plant all repaired and is in proper working condition again - it was the fault of the manufacturers not of any operation of the plant by the people who operate it.

MR. CASEY M. [illegible] So we did have just answer of the equipment from the plant, is that correct.

HON. A. P. [illegible] Yes.

MR. JAMES M. [illegible] In all of these breakdowns; would the Minister care to state if/[illegible] crew of say ten or twelve working on this, and a breakdown occurs 4 o'clock in the morning after the men have started on work at 7:00 . . . .

MR. PRESIDENT: I am afraid this is introducing new matter to the original question - we're getting away. Any further questions on the cost of the road programme - we're debating about the Caterpillar equipment, and it is becoming a labour.

MR. G. MAIN KIDDIE: Mr. President, can the Member say if the cost given here is in keeping with the estimates which we were given at the outset - just to refresh his memory I would say that sometime ago we were told that this coal would cost about nine dollars and sixty cents per ton - can he say if the expenditure as they is above that estimate or below it.

HON. J. D. REES: Well, and taking into account the escalation in prices - the price of kitchen and everything else that have risen since - but we're well within our figure of the work done that was estimated for, we've put that in a sense cover it, taking away what escalation in between and, I think we find a fair contract on the coal which I won't think necessary, but the bitumen has, so it is an improvement there, but we're well within our figures to do what work we had to do as well the rise of the negotiation of the bitumen.

MR. TOMMY M. DOUGLAS: Another supplementary,Mr. President, in view of an hourly agent 1,000,000 dollars would the Member state whether that figure includes wages that have been paid to the employees who have reported for work in the morning and the hot air plant was broken down, and they had to leave, and how many days would it cover that type of payment.

HON. J. D. REES: I don't know how many days that covers, Mr. President, surely I think the Member should understand that if men are reported for duty and through no fault of his back he was unable to work, I think that it is reasonable to expect that the Department would pay him for the day's work - it is to be quite honest as to what he is paid for that has amounted due to day, or week to week or month to month, I think he is absolutely wrong, I don't think the Department has paid anyone for just sitting down because the plant was broken down - if any of the men workers on that plant were reporting for work after that they certainly were doing other jobs besides that.

MR. JAMES M. DOUGLAS: Mr. President a further supplementary, was the reason we were moving to find this out - this amount of money has been spent - the plant was not put out by members so we now know that we got the best for our money that we could have gotten, and we have had a lot of break-downs which may not have occurred in another equipment so we still have to find out what has necessitated this additional expenditure, and this is the reason we have to probe this way in trying to find out whether it has happened. My next question would be whether this figure of 1,000,000 dollars covers any Government money in that way have been lost from public funds that was brought on by this job with.

HON. J. D. REES: Mr. President, I know nothing of any material that was lost by Justin Marks, that has never been reported to me, I don't know anything about this, and this answer the matter of that was because for the purpose of the coal programme.

MR. CHARLES CARTER: Mr. President a supplementary, could the Member now approximately how much time has been lost from the break-down of the plant over approximately nine months since the coal project started.

HON. J. D. REES: No Mr. President, I cannot say.

MR. CHARLES CARTER: Further supplementary Mr. President, can the Member say if/this new overnight, or what appears to be the statutory time prior to the time of the first delivery of hot mix to the site that should be start between 10 and 12 in the morning.

HON. A. J. BYRNE: Mr. President, the Department has been trying to start as early as possible on the work on the roads in the morning. May be the Members have don't fully understand all the implications of having the plant heated up. I understand there are two men who report for duty at 5 o'clock in the morning in order to have the air in the plant going. There are a lot of factors that have to be taken into consideration that in the dampness of the material which has to be put into the machine thoroughly dried before it can be mixed - I think all or this has been looked in to. The Department is doing every effort possible - I have been at them myself, and I've heard complaints from people who say they have a shift work until a certain time in the morning - I've gone into all of this and I can assure Members that they get to work as quickly as possible; it all depends of course on the plant being able to dry out the material and have it mixed.

MR. CROSSWICK EVANS: Another supplementary Mr. President, could the Member say how long does it take the plant to be heated to be ready to start production of drying the material for mixing.

HON. A. J. BYRNE: Mr. President, I don't know exactly just how many hours it takes the plant, the last time when the plant is heated, but it depends as I said on the condition of the weather - whether it has rained over night and the material is wet, which has to be run into the mixer and dried thoroughly before it can be mixed; I am unable to state exactly what time - the last time they try to get to work between 9 and 9:30 in the morning under normal conditions, but if the material is very damp and very wet, naturally it has to be given a certain time to dry out that if it was actually dried.

MR. CROSSWICK EVANS: Mr. President, that is far away from my question I asked, if I could clear the thinking of the Member as being this as an illustration - to get so many pounds of wheat from a bin or the Canadian Government going for so many hours to give you 500 pounds if steam pressure behind the engine can be an operation, I am only asking the question how long does it take the plant to be heated; is it ten minutes, fifteen minutes, one hour or two hours to start making the asphalt - drying out the material my common sense would tell me that when the material is dry after it goes into the plant its only a matter of a few seconds then to be discharged and what not, but if it is not it will probably take five minutes; I am only asking what or how long does it take the plant itself to be heated.

HON. A. J. BYRNE: I don't know Mr. President, I think I answered that question that I didn't know just how long it took the plant to heat up, and then I went on to explain about the material.

MR. CROSSWICK EVANS: Mr. President, the Member ought to know this, and that he will know whether the job is started on time or whether - our work is ingenuity, and I can't see that under the instructions of operation that Public Works should have to operate the plant that it doesn't give a ruling on to the life of the plant being heated ready to work. A further supplementary Mr. President, could the Member say then what does it cost per ton to mix.

HON. A. J. BYRNE: To Mr. President, I cannot.

MR. CROSSWICK EVANS: Another thing the Member ought to know Mr. President, he don't know then so he don't know how much it costs. Can the Member say Mr. President, if he can recall approximately what the contractors paid that they would do this twenty-eight miles at road for.

MR. LESSING: I am afraid that's so, for anyone from the original question.

MR. [illegible]: I accept your ruling, Mr. President. A further supplementary - I'll come back Mr. President, thank you.

MR. JOHN DEEPBROCK: Can I ask a supplementary question Mr. President, the Member stated that an hon. member spent 1,500,000 dollars of road, does the Member still feel that the twenty-eight miles of road can be completed for what was estimated originally.

HON. A. A. DYCK: No Mr. President, it cannot be completed. I think I explained that already, there are escalations taken in labour, which will account for the additional cost.

MR. JAMES M. BURNEY: Further supplementary, in view of what the Member has just said would he tell us how much additional the twenty-eight miles of road will cost since that was not budgeted for.

HON. A. A. DYCK: Mr. President, it would be useless for me to try to arrive at a figure of what it will cost, I think the estimated cost of the whole road originally when the Public Works looked to do it was something like $1,400,000, the Member I think previous to this one who asked the question wanted to know just how much a contractor would do it for, let me say this to Members here that the Public Works will do it certainly for much less than what the contractors would have done it for, and I am unable to estimate at this just what the additional cost will be, but if the Members would like I could get this from the Chief Engineer at Public Works as to what the estimated cost of the completion of the road programme will be, adding the increase in cost of labour and other materials.

MR. JOHN [illegible]: Mr. President, as supplementary question that is to the Member, with the increased cost of this bitumen could he say approximately how much per mile will/that be until the road.

HON. A. A. DYCK: I rise to say I don't know Mr. President, it wouldn't be any more of me trying to guess at a figure for the Members.

MR. JAMES M. BURNEY: Mr. President, sometimes there are lots of mistakes made about my figures from the other side of the House, but if I gathered correctly what the Member said he said originally Public Works undertook to do this job for $1,400,000 for twenty-eight miles at the rate of expenditure to date this amount of money will only cover about eight miles, so it seems like somebody in Public Works really needs to put their figures together, so I wonder whether the Member could tell us whether Public Works will be able to come up with a figure now that the other twenty miles will cost, so that this House may be able to intelligently consider it. Right as they have cost me for what originally twenty-eight miles was supposed to cost, could he have an idea of the other twenty miles are going to cost us

HON. A. A. DYCK: Mr. President, it is impossible for the Member to say that eight miles have cost $1,400,000 - twenty-eight miles will have cost. I explained that this figure/is before we have taken account of all the plant and the materials that has been bought, the greatest expenditure that is left for the road programme is labour, and I know the Member might see in the estimates a figure increased, but this will/[illegible] cover it, the twenty-eight miles of road, but it will be done very reasonably, and I cannot estimate the cost of the completion of the roads at this time, but I can go into this with the Chief Engineer of Public Works and the Members can have the figures whenever they so requests them.

MR. JAMES M. BOWDEN: Mr. President, would the Member then tell us whether the $1,400,000 that Public Works originally estimated this job would cost, did that include the purchasing of equipment as well as labour, or was that just strictly a labour figure.

HON. A. B. HUSH: That included the road acquired Sir, at the time it was accepted by Public Works.

MR. JAMES M. BOWDEN: Well Mr. President, I hope then that this House will see the relevancy in our questioning, because if Public Works originally estimated the twenty-eight miles including equipment would cost 1,400,000 dollars, and to date that amount of money has been roughly spent on eight miles, then it is time Mr. President that somebody got a slide rule a computer or something what not to better figuring, because we were going .....

MR. PRESIDENT: I must ask the Honourable Member to ask a question.

MR. JAMES M. BOWDEN: I am going to ask my question Sir.

MR. PRESIDENT: You're making a very long statement.

MR. JAMES M. BOWDEN: Well Mr. President, I'll pose this question then; will the Member inform us as to where we are going to find roughly three more million dollars to do the other twenty miles of road with.

HON. A. B. HUSH: Mr. President, as the Member knows we have provided in the estimates, if I am not mistaken $2,750,000 for the roads programme, this will not as I said complete it - I think the Public Works Department requested $10,000,000 dollars, but because of the lack of funds it was seen that we should put in just $2,750,000 which we could afford, and wait and see if the financial position improved later the year about to ask the $7,250,000. I think this is the position, and this will be the additional cost should we say 600,000 dollars.

MR. JAMES M. BOWDEN: A supplementary then Mr. President, based on the figures the Member has just given us 225,000 at the cost at which we have voted now will do roughly a half of mile of road. What is going to happen for the rest of the year when that half mile road is done, are we going to do any more or are we going to stop.

HON. A. B. HUSH: I think Mr. President, the Member is misusing the figures - 225,000 dollars he said will do so many miles of road again - this is not so Sir, when I tried to explain if he is hearing the figures which have been submitted there is a tremendous amount of material which has been purchased, and as I explained that the greatest cost lies on the roads as the labour cost - out of this was bought the equipment, all the equipment and bitumen, and stock for the road programme, if just to the Public Works Department he will see the tremendous amount of material that is stored there, not altogether to complete the road, but the greater part of it has been bought, and what has been submitted in the additional cost that is will take - increase in labour and bitumen and every thing else - as I think he has the figures all crammed up Sir, he is saying is that 2,5,000 dollars will do a mile or so of road once - this absolutely wrong.

MR. JAMES M. BOWDEN: Mr. President, the figures are not mixed up I am dealing with his figures. Originally we were told nine dollars and sixty cents for a linear foot, that means that 225,000 dollars will cover roughly about twenty-four .....

HON. A. B. HUSH: Interruption Mr. President, should not be

HON. A. B. ROSE (Kaniv): ...at two nine dollars and something cents for a foot of road, I never thought that in this House. I never made no mention of it here at all. I don't know where the Member has gotten his figures from, we never measured it by the foot Sir.....

MR. JAMES M. PIDGEON: Mr. President, I think the Member better refresh his memory or either look at ...the Estimates - that would be approximately twenty-four thousand feet of road, which is only a little over four miles or about four and half miles of road, but at the most cost it is working as now Sir, it can only be about half a mile! Let the Member tell us then what he going to report then when this account of money is spent, are we going to strip our road project or what are we going to do.

HON. A. B. ROSE: Well I think he is as good judge as I am, if there is no money to go on with the road projects, we will have to stop it Sir.

MR. JAMES M. PIDGEON: In view of that then why have we allowed the road project so far it cost us as much additional money than it should have cost.

HON. A. B. ROSE: Mr. President, it has not cost us any additional money Sir, any amount of money was voted for the road programme $1,000,000 was the original sum of the road for twenty-five miles of road, which was to purchase the equipment, to purchase the material and to pay for the labour. The Member should understand that there has been an increase in the cost of bitumen over which we had no control, and so far we have not spent even the 1,000,000 dollars.

MR. DAVID M. PIDGEON: Mr. President, certainly the cost of bitumen would not have increased this 350% and that is what we are talking about there has only been.....

MR. PRESIDENT: I must now the Honourable Member to put a question, he is continuously making statements before asking a question, this out of order.

MR. JAMES M. PIDGEON: Well Mr. President, based on the Member's figures we will only be able to do about four and half miles of additional road, are we going to stop when that much is done.

HON. A. B. ROSE: As I may repeat Mr. President, he is as good judge of that as I am. We are endeavouring to get all we can for the money we are spending, it is correct to the amount of road that was anticipated then we will have to stop it.

MR. PRESIDENT: Can we allow ourselves towards the second question in the Order Paper.

MR. JAMES M. PIDGEON CONSTITUENCY OF BOCAS I WANTS TO ASK THE HONOURABLE A. B. ROSE, JR., MEMBER FOR WORKS, COMMUNICATIONS AND FLIGHT TRANSPORT

RECENTLY ANY COVERAGE WAS GIVEN BY THE PRESS TO A PARTY OF VISUAL PERSONALITIES HOSTED BY CANADIANAIR BY REPRESENTATIVES OF AIRTRUK AND LINES WHO GAVE TO THE AIRPORT BY A SPECIAL FLIGHT. CAN THE MINISTER KINDLY INFORM THIS HOUSE WHY BY THE INVITATION OF THE CAYMAN ISLANDS GOVERNMENT, MEMBERS AND REPORTS WERE NOT INVITED AND GOVERNMENT REPRESENTATIVES AS WELL, WHO WERE THE SPONSORING PERSONS AND WHAT ARE DIRECTIONS NEEDED

MR. JAMES M. BODDEN: Further supplementary Mr. President, if I know correctly in the construction of this who was responsible for the construction was it the Public Works Department.

HON. A. L. THOMPSON: No it wasn't. Eodsphaltic International was the contractor.

MR. JAMES M. BODDEN: Yes we were told that it was unnecessary to put it out to bids, but you a private contractor has stated it. He says that his figures show I am correct that the cost of this shed was $6,270 dollars, or is that typographical error.

HON. A. L. THOMPSON: No that is the cost of the shed.

MR. JAMES M. BODDEN: Were they storage shed area concrete also a cistern.

HON. A. L. THOMPSON: Yes but this is not in the shed Mr. President. The question I was asked was what is the cost of the Government storage shed at the airport.

MR. JAMES M. BODDEN: Like wise is the cistern.

MR. PRESIDENT: I think that is an easy question. The cistern I think is somewhere near the building it is .....

MR. JAMES M. BODDEN: Mr. President, with all due respect to your ruling, but a cistern is always considered on the Cayman Islands a part of the building, because we have to depend on it for a water supply. If we do an appraisal for a home we do of a building we have that also the cistern is considered as a part of that thing. Any how I will put another question - What is the total cost so far of the structure at the airport that we are negotiating Members have of as a corten shed, what is the total amount of money spent to date in that little enclosure there.

HON. A. L. THOMPSON: That wasn't the question Sir. The question... let me read the question to the Member Sir. "Has the Government storage shed at the airport been completed and put into use? What is its cost to date? This is the question I answered Sir. If he wishes the cost of the cistern he should have asked me then.

MR. JAMES M. BODDEN: With all due respect on a supplementary, but we can't have things very fine here, the Member quite knows that he is a local man same as I am - the local matter. Could the Member then tell us what kind of building this was, and how it was purchased from.

HON. A. L. THOMPSON: This was purchased in the United States Mr. President, and it was purchased at the best price that we could possibly get it, I can assure the Member that, we took some pay off it.

MR. JAMES M. BODDEN: Further supplementary, who purchased it for us.

HON. A. L. THOMPSON: The Government - it was purchased through the Department of Public Works.

MR. JAMES M. BODDEN: What was the original cost then of the cistern - when it was purchased.

HON. A. BUSH: Mr. President, I think the first cost of this building purchased in the States was something like, if I am not mistaken was 26,000 U.S. dollars or something of the sort - I haven't got the exact figure.

MR. [illegible] M. HUNT: Mr. President, with your permission Sir. I have a supplementary question to ask on question (f) which the answer to question (f) was no. Now I am asking can the building be used as a Cement section, or certain sections of that building as used as a freezer section

HON A. E. BUSH: Mr. President, as I said there is no freezer in the building, surely we could put one there if the money is available to do it, but there is nothing like that in it now, in fact it has never been the policy of Government to obtain refrigerated stores any how, as this was not provided for

MISS ANNIE S. EDUN: Mr. President, I would like to ask if in the purchasing of this wharf the materials did any member of Government on abroad to purchase it, or was it purchased through the person who did the erection.

HON. A. E. BUSH: Yes Mr. President, I went to Miami and I saw a building similar to it, and I came back and went into the matter with the Director of Public Works, and we agreed that this was the type of building that we needed. that it was constructed apart from the other buildings of that type they were erected here, and we decided that this was the best way that we could get for the money.

MR. JAMES F. [illegible]: Supplementary, would the Member state to state the amount that was paid to Eadsphaltic to do their job then on this - the freight alone.

HON. A. E. BUSH: Mr. President. I can hardly remember the exact amount that was paid to the contractor for actually the erection of the building. I haven't it in my hand just at the present, Sir.

MR. JAMES F. [illegible]: Mr. President, my next question I would like for the Member to think about it a bit before he answers it - he has stated that the size of the building is 7200 square feet, the cost to erect is [illegible] square. which works out at six dollars and twenty-eight point eight cents per square foot, and he has told us that the first cost was around 27,000 which with the freight on it would mean that it would have cost about $28,000. Cayman by the time it landed here, which means that there is only 17,272 left, at about 2 dollars 40 cents per square foot for labour. The carpenters and so forth and so on, now the Member state whether it was constructed by Eadsphaltic for roughly two dollars and forty cents per square foot, or that they did not receive more than about $17, 00 to do the job.

HON. A. E. BUSH. Mr. President, as I said this was the actual cost of the shed, I don't have the figures of just what was paid to Eadsphaltic, he can work out his own as to what Eadsphaltic might have had from it, this is the cost of the freight shed and this is what they wanted, and this what it is before them, I mean I told them it was approximately something like [illegible] U.S. Dollars/ the first cost of the shed, and the freight on it like this was added to it, and actually what Eadsphaltic got out of it, I haven't got the figure.

MR. JAMES M. NORMAN: A further supplementary Sir, it seems difficult to believe that for the many months this building was under construction that no applications did not receive more than $7,500 dollars for on that job, and I am certain Mr. President that some place in the Hansards here or in many other records you will find that we were told at one time that this/building cost only 170,000 dollars, and I am not quoting the exact 20,000 dollars or in this case, and we would like to know whether this $7,500 dollars, just what does that cover Sir, because it is impossible on these figures with construction costs in Guyana for that thing not to have cost more than one million and twenty-eight point eight cents a square foot to do. What is the correct figure, does this thing include the whole thing or just does this include purchasing it, just what does it include, some figures now seem to have come place, because they are not mixing up with the other figures that we had been previously given.

HON. R.E.D. BASE: The cost I have given Sir, is the cost of the building, we must understand that other work was done which was a cistern - I think it is a 120,000 gallon cistern was put in as well, and the grounds and everything were cleaned up and filled - a lot of work done there, but chiefly/actually the cost of the building itself, any other cost is additional, it doesn't mean that that was all you spent at the airport or in the vicinity of the freight shed, but there were additional cost as I said - fill, grounds and cistern and things like that, and this what was added to this which was done by Public Works Department and the Customs and Airlines Officer all of this was done, and I think altogether what was spent on this was something like 217,000 dollars was spent on the whole area, well but we are talking about the shed specifically you are not talking about the entire area.

MR. JAMES M. NORMAN: Mr. President, further supplementary if it can get this type of work done for two dollar and forty cents a square foot, will the Member assure us that in all Government contracts in the future they will not be put out to bids, and they will be given to Bodyguard at this rate Sir.

HON. R. E. JOHN: No I can't assure you.

MR. CHARLES BERNIER: Mr. President a supplementary, since the Member has stated that it was not put out to contractors to put for bids, can the Member say what agreement was reached between Government and Bodyguard as to the payment whether it was by a contracted agreement or on a daily basis.

HON. R. E. JOHN: Mr. President, with your indulgence Sir, if I could explain to the Assembly - I per se will we thought that this work might have been by the Public Works Department, but because of the frame being so heavy, the building being so high - over twenty feet from the floor - the Public Works had no equipment in which to erect the building. Bodyguard - we inquired from other contractors - got verbally of course - no tenders as I said was put out - but we inquired from other contractors and we got the best price from Bodyguard. Bodyguard was just about to complete the Police Station and they agreed that they would take the building on the very same terms as the Police Station was taken for Government, which was at that time satisfactory to Government, and they had all the equipment in which to do this work, and there wasn't anybody else here at the time who was free really to do this, I think there was one or two other contractors outside Bodyguard who does do this type of work at all, and their figure was far in excess of what we expected to pay for it, and we didn't accept it, so we approached Bodyguard and he offered to do it what he was through with the Police Station on the same terms the Government as what the Police Station was built. Of course there was extra cost on labour, because labour and

HON. A. B. ROSE (Acting): ... as I think after that, but I can assure Members that we got the best price possible on the erection of this building, and may be this accounts for the very small figure in the cost of the shed, and as any Member says it is a pity we couldn't have this on all of our contracts.

MR. CROSBIE BRINTON: Mr. President, it was mutual contract between Government and Contractor. Can the Member say Mr. President why a cooler/freezer was not included into the building, there would be times when perishables may have to stay overnight or a day as the case may be.

HON. A. B. ROSE: Mr. President, as I have explained there has never been the policy of Government to store perishables cargo, and apart from that the Finances were not available for equipment to do so, so this is the reason why it wasn't put in there, if it should in the future the policy of Government changes, where this may become a necessity we may be able to find the money to do it, and I can assure the Member that if the money is found to do it we can put in.

MR. CROSBIE BRINTON: A further supplementary Mr. President, may the office part of the warehouse not be included when the whole thing was under construction, why was that left to be done after.

HON. A. B. ROSE: The Customs and Airlines offices were not included in the original plan for the building. It was thought that we would just have a small place set aside in the Building for the Customs. But after the shed was completed the Airlines were anxious to have an office, and there was no accommodation in the shed itself for them so it was decided to put this building over by the shed in order to separate both the Airlines and the Customs. There are three offices there - two for the airlines and one for the customs.

MR. CROSBIE BRINTON: A further supplementary Mr. President, will the airlines be leasing these offices in the warehouse.

HON. A. B. ROSE: Yes, they will be using them, as of yet they haven't really organized themselves into that, but they certainly want to do it to separate the freight from any communications with the terminal building itself.

MR. CLAYTON M. TITUS: Mr. President, another supplementary question Sir from the Honourable Member - If a freezer section was installed as plans made for in this present building wouldn't we be better off than placing frozen goods into private places all over the Island.

HON. A. B. ROSE: I don't understand the question - why is placing frozen goods in Crewsaver all over the Island. This is the responsibility of the consignee to take his goods from the warehouse, whether frozen or otherwise, we have no storage for it.

MR. CLAYTON M. TITUS: Mr. President, with the greatest of respect Sir, frozen goods does not mean a consignee all the time, sometimes you have planes that do stop here and are brought down with frozen cargo, and the cargo has to be sent to various parts of the Island Sir.

HON. A. B. ROSE: Mr. President. This is a matter which Government hasn't given into Sir, haven't had any request for any assurance I can assure you, at least not that I know of, I don't know whether the Financial Secretary knows anything about it, but I haven't had any request for any storage of refrigerated cargo in any Government building.

MR. [illegible] SPEAKER: Our next supplementary Mr. President, with the statement [illegible] the Member replying to the question - he said that he didn't understand out of the question whether [illegible] meant, but in his opinion; however he said - practically the same, so shouldn't that have understood what Sullia meant by giving the answer as practically the same.

MR. PRESIDENT: Perhaps we can move on to Her Majesty's mails.

MR. CHARLES ELEMENT CONSTITUENCY OF NORTH SIDE TO ASK THE HONOURABLE S. B. JONES, M.P., MEMBER FOR WORKS, [illegible] AND PUBLIC TRANSPORT

(a) WHAT WAS THE CASH OR EXCHANGE THE GOVERNMENT MAIL VAN HAS BEEN PURCHASED FROM, WAS IT BY TENDER NOTICE AND HOW IT WAS ARRANGED?

(b) IT WAS SUGGESTED TO IMPROVE MAIL SERVICE - HAS THIS BEEN DONE?

(c) THE MAIL CARRIER FOR GREAT TOWN TO WEST BAY HAS EXPIRED IN THE POST OFFICE, WHY WAS NO ENCOURAGEMENT GIVEN FOR THE MAIL CARRIER FROM GEORGE TOWN?

ANSWER:

(a) THE PURCHASE PRICE OF THE MAIL VAN WAS $2,000. IT WAS PURCHASED FROM HARRY MOORE'S ESTATE. IT WAS NOT PURCHASED BY TENDER BECAUSE HARRY MOORE WAS THE ONLY PERSON IN THE ISLAND SELLING THAT TYPE OF VEHICLE. THE VEHICLE WAS NOT NEW.

(b) YES.

(c) NO MAIL CARRIER WAS EMPLOYED BETWEEN GEORGE TOWN AND WEST BAY. A CARRIER WAS EMPLOYED FROM WEST BAY TO GEORGE TOWN. THIS CARRIER WAS ALSO EMPLOYED IN THE WEST BAY POST OFFICE AND HAD BEEN THAT POSITION LONG BEFORE HIM PERFORMING THE MAIL CARRIER. WHEN THE SERVICE WAS TAKEN OVER MINE, THE EMPLOYEE WAS ONLY OFFERED IN HER SUBSTANTIVE POST OF EMPLOYMENT. THIS WAS NOT THE CASE WITH THE MAIL CARRIER FROM GEORGE TOWN.

MR. G. [illegible] SMITH: Mr. President, can the Member explain the difference between from West Bay to George Town, and from George Town to West Bay.

MR. A. [illegible] JONES: I think Mr. President, if I may say that the answer explains that they were not employed in the Post office in George Town they were employed in the Post Office in West Bay, so we take it that it was a mail carrier from West Bay to George Town and not George Town to West Bay.

MR. G. SMITH SMITH: Mr. President, may I ask the Member that when this carrier was employed from West Bay to George Town, did not the Minister take mail from George Town to West Bay.

HON. A. S. [illegible]: Yes Mr. President.

MR. SPEAKER: Are there any further supplementaries.

MR. [illegible] [illegible]: Yes Mr. President, can the Member say what is the benefit of improved mail service on the Eastern District now that this has been done.

HON. A. E. BUSH. The result I think Mr. President, is that the mail is being carried regularly now in the mornings instead of the afternoons as it was in the case in most of the districts, and it is followed up where possible after the plane arrives in the Dominions, and I think it is an improvement over the service, I am told that it is working very satisfactorily and the Postmaster is very pleased with how it is working on.

MR. MAYOR M. HILL: Mr. President, with your permission Sir, I'd like to ask the honourable Member another supplementary question I would like to find out from him if the purchase of the mail van from Wenger Motors cost less than twenty-one, which I would say would be more economical for mail carrying.

HON. A. E. BUSH. Mr. President, as I said in the reply to the question that Wenger Motors were the only suppliers of this particular type of wagon which we considered was suitable for the mail service, and so we simply accepted theirs. We went elsewhere also to look them, but we didn't certainly go abroad to see if we could get a better price, because we didn't know where we would find the type of wagon, but after being shown the one from Wenger Motors we decided that this was the type of thing that was suitable to carry the mail, and this is what was bought.

MR. CHADWICK ENNIS. Mr. President a further supplementary, the Member stated that the mail /about Grand Turk would be a loss in the morning - what is the difference in the mail going out daily in morning through Monday to Friday, than going out in the afternoon on a list of occasions, ten of times from Monday until Saturday. Mr. President, what I am trying to find out also is the improvement into the system.

HON. A. E. BUSH. Mr. President, as I said the system has improved actually in the Dominions, and it is satisfied that there is an improvement in the system of mail carrying in the Districts.

MR. CHARLES K. DIXON: Mr. President another supplementary question with your permission Sir, I would like to ask the Honourable Member if the van purchased is either a mail van or may be used for any other purpose, because a mail van is/ different design from any ordinary van.

HON. A. E. BUSH: I don't know just what the Manager is getting at Sir, but as I said it was a vehicle that was considered suitable for the mail service.

MR. CHADWICK ENNIS: Mr. President, the Member further stated that they didn't put this out to tenders, so again they still don't know whether they could have gotten a better or worse deal from any other supplier. Mr. President, if you will just allow me one brief minute to clear up on this point why I ask this question. When the Honourable Member and His Principal Secretary looked after a similar vehicle that I offered at would offer Government for that service, the first position - I was told that it was for two mail for the mailbox/mail, for the mail containers in the crated cars that we got coming in, we could a handle/in this, it was this point, about it, it was just going about it, in one everything wrong about it. The glass would get broken handling those mail containers - we left it at that - now they have purchased one much smaller - I don't know then where they put these containers, and at the price that they paid for this, the price that I could have offered to Government, the matter of approximately $200 difference more - and what they could have gotten a much bigger vehicle, a superior quality, and what I was offering them Government

MR. CRADDOCK BANKS (CONTD.): world never attempt, to have purchased the radio, circumcision, luxury cars and luxury that was luxury what does but yet they walked across the street and picked up one that is inferior in every way more or less, and never even got out asking for bidders whether they wanted my tender or not they didn't approach the public, and that is what is going on Mr. President - in our Government one another was that is...

MR. A. P. GIAN: Mr. President, if I may say sir; I had a look at the - I think they is Ephemeral nuclear, which I would have thought the Swedes would never have brought up I went as he said with my Principal Secretary to look at the vehicle as had - the vehicle was surrounded by glass to begin with, and I am sure that members will realise that this wasn't somewhere that one/went to get rid two kinds of people carrying ball, throwing bags and stuff about - it would even an broken/and Government would be faced with the maximum of broken glass windows and having to replace them and that sort, and so I will in my mind that although the vehicle might have been a little bit higher, it just wasn't suitable, and other factors were the only one who had a vehicle that we thought would fit the need for this, so we bought it, and I don't think the price is anyway exorbitant if it is worth one thing to all merely - it costs us today costs £3,000 and odd Dollars, and for a vehicle for less than - 4000 dollars I don't think one can complain I think it is a vehicle that is suitable for the purpose, and of course if we're proven wrong the next one will be a little better, and we hope we will have a little more money to buy it with also.

MR. CRADDOCK BANKS: Mr. President, all I was trying to say is that be considered also - my other is the first day - it was entirely how small one they talked about purchased one smaller that is all I am saying.

MR. PRESIDENT: I think if that is the function the supplementation we will declare close at this for question time, and we will continue this afternoon. I see so go ahead with the suspension of Mr Seif Bedlar's motion, and the Bills on the Order Paper. I suspend until half past two.

HOUSE SUSPENDED

HOUSE RESUMED

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

MR. G. JEAN PIERRE: Mr. President, in asking leave for the withdrawal of Private Member's Motion dealing with fire fighting equipment, I would tell the house that the reason for withdrawing this motion is in order to shorten the length of this sitting. We have already entered into the fourth week, and I would beg leave of the House to withdraw this motion, and also give notice that I will bring it back at a subsequent sitting of the House.

QUESTION PUT: AGREED. MOTION WITHDRAWN

MR. PRESIDENT: We will proceed now with Government Business.

REPORT OF FINANCE COMMITTEE ON RESUPPLEMENTARY ESTIMATES 1976 AND DRAFT ESTIMATES

HON. E. J. JOSEPH: Mr. President and Honourable Members, I rise to submit the report on the Appropriation Bill and on the Draft Estimates of Revenue and Expenditure for 1976 which were submitted to the Standing Finance Committee for examination and report thereon.

HON. V. G. JOHNSON (CONCL.): The Committee held five meetings, the first session was held on Monday, the 1st of December, and the business continued until final completion.

Mr. President and Honourable Members, before submitting the report I would like first of all to thank the Honourable Members for the co-operation and for expeditiously dealing with the business of the Committee. I think its one of the shortest Finance Committee's we've had - the fact that Members did not examine carefully all the business before it, but I should say that there was every co-operation in dealing with the business matters.

The revenue as presented in the draft Estimates under the various Heads and Sub-heads amounting to a sum of two million six hundred and eleven thousand, three hundred and eighty-five dollars was accepted. Also accepted was the sum of one million dollars which is estimated to be produced by new measures, some of which have been passed and assented to by the Honourable House already, the others to follow shortly, and therefore the total revenue for 1976 as will be reflected in the estimates for 1976 will be eleven million six hundred and eleven thousand, three hundred and ninety-five dollars.

Dealing now with the expenditure side, and this is also dealing with the Appropriation Bill, 1976, firstly that law provides authority for all expenditures of Government during the year, we will go through the Heads now by one. In the case of Head 1: His Excellency the Governor and Staff - the first amendment made there was in respect of the Governor's salary - I'm sorry of this Mr. President, sorry for the embarrassment here , but apparently the estimates did not take into account the adjusted salary during the course of the year, not reflected correctly the salary from 1975, and so an adjustment was required to amend the figure from 18,972 dollars to 20,435 dollars, the difference of 1,764 dollars, that is found on page 20 of the Estimates, item 10). The next amendment Mr. President, was the deletion from page 27 item 1(7) of the item Senior Welfare Officer, this was found to be a duplication of the established post Social Development Officer, and the cost of 7,176/$8,616 the post was also deleted. What was of course was used - 1,764 dollars to adjust the salary which I referred to a while ago, and the balance of the funds 7,377 dollars was used to increase item 22 on page 35 Overseas Medical Bursar, it increased the provision from 9,600 dollars to 19,272 dollars, so that, Mr. President, the head of Welfare was not increased or adjusted, it remained at the original figure of $31,100 dollars. There were a few other amendments under that head as will be seen in the report. The Sub-head Social Welfare on page 35 was amended to read Social Services instead, and in Sub-head (3): Labour Officer that Sub-head was removed from the section Labour Section and put under the section Social Services on page 37 of the Estimates.

In dealing with Head 1 Mr. President, a motion was made of the proposed constitutional alterations and translations of Government to be brought forward, and Members gave their support to the proposals, in fact it was Members opinion that this was long overdue and that Government House should be looked after and renovated as required, if funds are available then the proposed renovations and alterations will be dealt with during the coming year. The other Heads District Administration - Head 2 were accepted without any changes. Motion was made by the Honourable Member for Cayman Brac of the need to increase the provision under item 2 - Office Expenses and item 8 - Entertainment, but he agreed that since many Departments would not be provided with all the funds required by their Department for the 1976 year, that he would be willing to await the opportunity for a supplementary should funds become available, and so the Head was accepted without any amendment, the sum is $78,470 dollars. Head 3 - Legislative Assembly no changes - total sum $30,814 dollars.

Head 4 - Police and Prisons - the sum of $24,297 dollars accepted without any amendments. Head 5 - Finance and

HON. V. G. MYRNYK (Gibraltar): Development. There was Mr. President, unanimously a motion from the floor to strike out item (m) on page 71 and also the financial provision in the sum of 13,363 dollars. The motion to scrap out was carried and the matter was reported to the Governor who accepted the decision of Finance Committee. However in re-examining the matter at a later stage with the Currency Board - and this stage Mr. President pertains to the point of salaries of Savings Bank and Currency - it was discovered that the Currency Board would be making a contribution to Government during with in the sum of 14,620 dollars towards the expense of printing and office, and if this item was struck out then of necessity the contribution from the Currency Board would have to go as well. Furthermore the appointment as the post was already made, it was made through the usual process of recruiting in Government, and the officer was under a two year contract with Government - it was thought that as in the original proposal both the bank and the Currency Board would operate on joint venture where the vault facilities, the office facilities and the managerial facilities would be available to both operations in the case with and in except that form/operation at the present time would not be in the best interest of Government, and therefore were asked that you recommend that you reconsider their decision to scrap the item out, and I am happy to report Mr. President, that Finance Committee was persuaded this morning to reconsider this matter, and Members gave their approval although they stated that it was still their opinion that the recruiting was not done in a manner which in their view was just and equitable, however they would go along with the decision made by yourself, and so the item is now reinstated in Finance and Development and the Head is therefore broken without any amendment to the total sum of 1,534,931 dollars. Members complained about many of the votes which were carried with bold provisions - it was necessary to maintain these items in the estimates because there were no funds under which to place reasonable provisions under those that would carry provisions, that they would be provided with just a token figure, in some cases ten dollars. But Members were given the assurance that none of these token votes would be used for any purpose during the year, unless the matter was first brought to Finance Committee for approval and they would have the assurance of Government on this, and so they agreed the votes with token provisions to go forward. In the Loans expenditure under Head 2 - Finance and Development there is also a sum of 665,172 dollars provided by Law, which is in addition to the sum I [illegible].

Head 6 - Postal Department, the sum are voted these was accepted. That is 245,476 dollars. Head 7 - Customs 405,514 dollars accepted. Head 8 - Inland Department 79,172 dollars accepted. Head 9 - Industrial Development 11,741 dollars plus forty dollars provided by Law accepted. Head 10 - Agricultural Department 96,736 dollars accepted. Head 11 - Lands and Survey 111,382 dollars accepted. Head 12 - Town Planning 9,512 dollars accepted. Head 13 - Personal Health Services 681,944 dollars accepted. Head 14 - Mosquito and Control Unit 508,174 dollars accepted. Head 15 - Education 2,820,732 dollars accepted. Head 16 - Public Works Department 926,148 dollars accepted, Head 17 - Civil Aviation 314,761 dollars accepted Head 18 - Tourism 514,171 dollars accepted, Head 19 - Broadcasting 107,974 dollars accepted, that is the total for recurrent expenditure.

Under Capital Expenditure the section Local Revenue Expenditure 1,[illegible]23 dollars accepted. Under the section Social Grant Aid 13,[illegible] dollars - under the loan section 2,488,220 dollars - the total Capital Expenditure of 3,[illegible]97 dollars. New Services - the New Services proposals Mr. President recommended as those bodies under Head 1 - Governor's Department, with a total salary of 20,[illegible]0 dollars - this matter was examined before the meeting of Finance Committee and it was noted that Government would enquire Finance Committee, as this Legislature properly as concern at this particular point in the Governor's Department, but that Government was

HON. V. G. ROBINSON (LEEWARD): not request an additional three bodies in the total establishment of the service. Instead three persons would be given from other departments/ of Government to fill those positions and the salary from there/would come forward to finance those posts in the Governor's Office, and therefore the $6,720.00 dollars would be removed from the Estimates, but in examining this issue it was difficult at this stage to determine which the bodies would be transferred, what Departments they would come from, and what sum of money would come about from those Departments, and so this morning I asked Members if they would agree for these provisions to go forward in the Estimates with the understanding that in the total establishments the number/staff will not increase will not increase by these three bodies, and in the total salaries provisions the sum will not be increased by this 20,000 dollars, but in order to provide for the posts, and provide immediately for salaries/posts we would have to utilize the provisions we had there in the New Services Estimates, this was normal Mr. President, and so the New Services Estimates will not vary from the original figure.

The other recommendations - New Services were acceptable - the Radiology Technician that would be effective as from the 1st January, 1975, because in fact the officer is now in employment. In the case of the Teachers - the graduate trained teachers will be employed as from the 1st January, because in fact these teachers are now in employment on a temporary arrangement. The other teachers will not be employed until the commencement of the new school year in September next year. The Library Assistant was also approved. Also the provisions under Other Charges - Books and Equipment and School Furniture. And so the total sum of New Services is $4,480 dollars.

Mr. President, in the Appropriation Bill - the New Services provisions of $4,480 million would need to be distributed among the various Departments Heads of Expenditure, and so the Heads that will be affected now is be Head 1 - in the subhead's His Excellency the Governor and Staff, and $91,000 amended to 971,344 dollars, which is an increase of $1,344 dollars coming from New Services, the amended figure is 971,344 dollars. Head 11 - Personal Health Services Department, the figure of $81,796 dollars will be amended to $86,728 dollars, an increase of 4,932 dollars, the salary of the Radiology Technician. Head 14 - Education Department, the sum of 1,630,00 dollars will be amended to read, 1,780,016 dollars, an increase of 99,916 dollars, and so the total Recurrent Expenditure will increase from 11,415,500 dollars to 13,520,041 dollars. The New Services provisions will be struck out, and so the total of the Appropriation Bill will remain at 14,045,334 dollars. This is the end of the report Mr. President, and I will now move/submit to the Estimates and the Appropriation Bill.

Mr. President: The report has been made and tabled. - I think we might take a recess for the adoption of the Report, then it will be open for debate if Members wish.

MOVED BY HON. V. G. ROBINSON

SECONDED BY HON. D. F. MARLER

QUESTION PUT: AGREED. REPORT ADOPTED.

MR. PRESIDENT: Before we proceed to the third reading, I'd like to clarify one point whereas the title of the Bill on the paper is the Appropriation Law 1975 - under Clause 1 of the Bill it is cited as the Appropriation Law 1975, presumably the title should be altered to accord with Clause 1. If there is no objection to that the amendment can be made before we proceed to the third reading.

THE REPRESENTATION LAW, 1976 THIRD READING

CLERK: THE REPRESENTATION LAW, 1976 THIRD READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. D. V. WATLER

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

MR. PRESIDENT: Proceed to item number 8: Under Government Business - the Lighterage (Amendment) Bill, 1975.

THE LIGHTERAGE (AMENDMENT) BILL, 1975

CLERK: THE LIGHTERAGE (AMENDMENT) BILL, 1975 INTRODUCTION AND FIRST READING.

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. V. G. WATLER

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING.

SECOND READING

CLERK: THE LIGHTERAGE (AMENDMENT) BILL, 1975 SECOND READING.

HON. V. G. JOHNSON: Mr. President and Honourable Members - Mathematics of Objects and Reasons - this is one of the revenue Bills of the series which was mentioned in the Budget Address - it seeks to amend the charge as set out in the schedule of the Law for Lighterage services of all ships plying the waters of the Cayman Islands, and the change as recommended in the amendment Law is on a per entry per ship basis instead of a charge per metric ton per vessel as it is now provided for in Law. The revenue which this will bring to Government Mr. President, is not a great deal, but it was thought that this as in the case of many other fees requires to be reviewed, and the charges need to be revised and as the recommendation here was considered to be reasonable and equitable, and that ship owners should find no difficulty in paying the sum which is recommended.

Mr. President, at this stage I would like to mention a question which I was posed in the Press regarding the new measures recommended by Government, and enquiring that Government should have also given an indication of what effect these would have on the economy or on the inflationary trend of the Island. Certainly increases in prices have a chain reaction, because one price causes another to rise and this/what gives a great deal of effect to inflation and the rise in cost of living. Considering these new measures Government took this carefully into consideration, and thought that the measures being introduced would have very little effect on inflation, and on cost of living. I should say that if the import duty increased on motor car from 20 to 33 1/3% currently one buying a new motor car would expect to pay a bit more for it, and this would be proportionate to the increase charge besides which by the increase in duty, plus a bit of interest on the owners outlay of capital, this is about where dealers and other people speculation happens a penny rise by Government means a pound to the dealer, this/which sometimes Government would be happy if there was a system whereby some form of direct tax could be introduced on the contrary I am rather than going the long way around of increasing import duty, because it is open for a great deal of speculation. But Mr. President, I have of

HON. V. C. JOHNSON (MEMBER): These items of new revenue measures recommended here, are going to give any great amount of effect to inflation, as I said its only if anyone wants to use it as an excuse to create inflation itself, so to speculate I should say.

I think Mr. President, that we in Government have experienced from time to time that there is one and only one increase of anything in Government which is inflationary as far as the public is concerned and that is the increase of the wage of Civil Servants. I don't know why people on the outside should look at it this way, but if a Civil /servant's/ wage is increased by 2% everything we have must rise by 2%, this is just the attitude in the Cayman Islands. So I should say that in the absence of any increase in the wage of Civil Servants salaries during 1976 there should be no problems. Motor car tax is increased by 2% dollars and if you divide that by the twelfths of the year you get/dollars per month - if a taxi driver I don't see where this will affect his rates any because/he has no extra/he will cover that and much more, so with a bit of improved business there should be no need to think about rates increase, and as it goes with all the other measures Mr. President, I don't think that people need to get alarmed or concerned about the inflationary trend which they say being about. As I said it is only if people want to speculate that this will happen, I hope they will not because I have already invited cooperation between importers, merchants and consumers, and I feel that as long as this can be accomplished that there will be a certain amount of control in the view of inflation.

Mr. President, without any further comment I will ask Members to accept this small Bill and to give it their unfirm support. Thank you Sir.

SECONDED BY HON. M. V. BODDEN.

MR. PRESIDENT: The question is that the Bill entitled The Lighthouses (Amendment) Law 1976 be now read the second time. The motion is open for debate.

MR. JOHN D. MCLEAN: Mr. President, Honourable Members, I rise to speak to this Bill - Lighthouses (Amendment) Law 1976. Here again we see the words increased taxation, certainly there has been a tremendous amount said through the local newspaper in the last two weeks on the new tax measures introduced by this Government, and I must go on to say Mr. President, in all support to the press that the local newspaper as far as I am concerned has done a tremendous job in the last two weeks in publishing so many inaccuracies, and not taking the time to into the records to be able to tell the public the facts, and I think that it is high time that the press be told that as far as we are concerned that all we ask of them is to print the facts, not lies or fabrications, inaccuracies, I think it is a real disgrace to think that in a country like ours where a few new measures have been introduced that so much lies been said, and blown out of proportion - the Financial Secretary used the words the press whom I gladly the public I don't even believe he meant to use that word, as far I am concerned I say the press who'm he made to tell the public what the facts are, the truth, which I think it is high time that they do, I think they have a responsibility to themselves and to the Government of these Islands, the news which appear the local newspaper."

We find that in speaking of this Bill - an increase, and certainly there is no doubt that we will run into statistics pretty soon - the increases, how much it was and how much it amounts, and I am saying this Mr. President, that it is high time we realise that we have to pay our own bills - certainly nobody wants to increase anything, and certainly the nominal amount increased here in this Bill - this measure, I think it is a very nominal amount, I

MR. JOHN C. HARRIGAN (Opposition): I think it is so little an increase that probably in the long run couldn't even support the services to which it is intended to go. I feel Mr. President, that we have many times a recession year, and we have and we still in a recession - and what country in the world hasn't been in a recession - what company hasn't suffered in this last year. When you see a local newspaper give front page to the financial difficulties of the Cayman Airways, as far as I am concerned you'd think they have got more men to grind, and somebody's battle they are going to fight. I think our airline provides with good service, I think they ought to be commended for what they have done, they have suffered like many other company in this country in this year and everywhere else. I think we are still better off than a lot. I feel Mr. President, the thing that we need to do in this period of strain is to provide leadership for our people. I feel that the most important issue is/deal with our people is to lead them. Like Moses - he had to help them to realise that for years we have been asking for more services, eventually we are providing more services, and we've gone through a recession year, and certainly nobody better to go to ask to pay these bills than to ask our own people for which the services are provided.

I feel Mr. President, that by and large the people of this Island by own consciousness. I also speak of in the fact that they are very understanding, certainly they know what the facts are. They know that increased participation in the income, and what we then had to do is to raise but to continue to pay out the necessary bills. Well, we are providing new services on every phase of Government we look we see increases - where you're increasing - we're stepping up the service - we're providing more services - we're providing more security for our people, and we're asking for them make a small contribution. Many point very clear Mr. President, I want to draw an illustration to a friend of mine a few days ago was telling me that a few weeks ago we have his dog to put out, and the dog received very little - very little was done him, a bill was rendered for $2 dollars, and a few months later the same dog was taken back and put from veterinarian. And I wrote that dog, it was a tremendous amount of work involved, whole new bill was rendered for 5 dollars and month - that's the point - those are the services we are providing and yet/like everything else out of proportion. Let us don't take the time to see what we are trying to do as a minimum cost.

Take our hospital, I am trusting that the increase is going to work reasonably in the way of revenue, and not in a way of extortion, but it means that we have to send people overseas, so we've got to do other things there is a tremendous amount of money involved. I know I am straying from the subject of the Lighthouses (Amendment) Law, but I am saying, Mr. President, that as far as I was concerned I think our Government has done everything possible to be able to try to provide what we at a very nominal cost. I speak in support of this Bill. I think Mr. President, it's time that we take time to look at what this Government is providing for the people. What it is doing for our people, and it is time that we help our people to realise that nowhere else in the world to anybody, any citizen being provided with so many amenities at such a nominal cost. Thank you Sir.

HIS HONOUR W. SCOTT: Mr. Minister and Members, I rise to support this Bill. Government is asked to do a lot of things for most people, and money has to be found, and when it comes to a thing like this, I think that we should support it without any questions. In fact I don't think this Bill should have been debated very much, but I am saying Sir, I support any measure that Government takes to try to keep us a good strong stable Government. Thank you Sir.

MR. Claude A. Bill: Mr. President and Honourable Members, I rise in support of this Bill - this Bill is providing a service which we have been rendering for a number of years, and I think it is quite time that we place the amendment to some Bill where we can raise funds since we are on the verge of raising funds on many different things, this is one that we can raise funds from; this provides a service for ships coming into this country, by going by the country here, how those coming in whether foreign or local should pay a fee or salary. Thank you, Sir.

MR. C. ERIC Bowen: Mr. President, Members, this Bill seems to afford an opportunity for Members to enter into irrelevancies, and things that are immaterial to the Bill. In fact I think the Third Official Member at the case when he introduced it outlined in other new tax measures. We have heard about the rate of the proposed and other matters, but personally I want to confine my observations on the subject under discussion.

I do support this Bill. A few years ago light dues were collected at the rate of ten cents a year per ship. I think the ship would pay its light dues whenever it made its first entrance into our port. I must admit that because I am supporting a Bill not fully been made on it, and so I did not work out the percentage increase, in fact it would be very difficult since this tax will be collected in a manner that defies statistics, because instead of being collected once per year it will now be collected each time the ship enters from a foreign destination. Unlike the other tax measures that have been presented in this sitting of the House, I must say that this particular one does not seem to put too much hardship on that section of the population which will be called upon to pay this tax. The suggested figure in the amendment is twenty dollars, and twenty dollars is a reasonable figure for a ship to pay upon its entry into our ports.

In the Memorandum of Objects and Reasons it is made clear that the reason for increasing this entry fee is because of the increased cost in providing a lighthouse service. I have only touched upon this because it helps to clear up, or it helps to elucidate an argument I made in the Budget Speech, and that is when we refer to our cost of living index, and our gross domestic product from United Nations we do not get the correct picture. Not only do we see in this Bill that there has increased costs, and may only throughout the Budget we have items which are increased because the cost is expected to rise, but the crowning thing is that in the Budget Speech we were told that the cost of living would not be up, and therefore there would be no increase for the Civil Servant. I am not arguing for any increase for them, but I am just pointing out that when we depend upon surveys done on the representation of experts that we do not get a true picture. Everywhere we look in these tax laws and in the budget we find there are increases, yet - and we are told these increases and the tax measures are necessary, because we are now providing services which have increased costs, yet the cost of living has not increased this year.

This Bill as the Financial Secretary, in the Third Official Member said will not get much money in our Treasury, but every little helps. I suppose as the old lady said when she was putting the water in the sea, every little helps, and we will need all the help we can get this year. This particular tax is one that had lagged far behind for many years, and it is only reasonable and equitable that the Third Official Member should be putting forward this amendment, and while throughout this session I have opposed many of the new tax measures, I am happy to say that for once I can agree with an increased tax, but the reason for agreeing is not merely to show my

MR. G. CRAIG BROWN (Hamilton): that I will go along with you, but because I feel that this is a just increase. Mr. President, I believe that the revenue which is collected from this source will help us to keep up with our expenditures during the forthcoming year. One of the most vital services which our Government provides is to keep the lights burning in our lighthouses around the Islands, and we have been doing a very good job of it, in fact there are only twenty-seven within Bring Memory of our route, and we must be doing a good job, perhaps some of the older people miss the thrill and the excitement of having a wreck upon the reef, nevertheless, this Government can be commended for the worthwhile job that it has done throughout the years in keeping our lighthouses alight, and I know that the ship owners themselves must be very thankful to Government, and I therefore support this increased Bill.

MR. JAMES M. (Hon'ble): Mr. President and fellow Members, we usually like to display how cooperative we can be - this is one case that I think we can do it, but we had really thought, my colleague and myself that neither one of us would have spoken on this, because we agreed with it, but to be frank with you Sir, after I attempted to be second speaker I thought that we were in a rival position, and I was waiting for the announcement for the singing of the 'Man Dead Kindly Light, In View of that, decided that I would speak. :

I think that it would be something not worthwhile to collect if we were not collecting at least twenty dollars for each arrival, even at that rate I don't know how it will be able to care of the service, but to study from the debate and comment on something that has already been said Mr. President, the press from time will probably be criticised at all of us, and will be critical of the house, and I think that/is a job that the press does play, I am not mentioning the cause of the press, but I think we would have such to a very deplorable condition if we in this house out to the state that we thought we could muzzle the press. The press must be free whether they criticise us, criticise you as President of the House, or they criticise the Assembly as a whole. We have seen what has happened to countries that have tried to muzzle the press, and none of/should be against the criticism, and Mr. President, I hope that that is not a policy that this House or any thinks that is going to follow up, if a certain Member has that view I look it will remain as just an individual view , and not as a Government policy, because I think the Government or anyone else should criticised when there is justifiable reason to criticise.....

MR. JOHN D. CHEESMAN: On a point of order Mr. President, I was not trying to investigate, or trying to open any way of muzzling the press, that is not/intention at all.

MR. JAMES M. BROWN (Hon'ble): Mr. President, I don't think it was a point of order raised, I didn't object to Member's point simply a while ago, and I would only say this Mr. President, that we have heard a lot in this session about Seven Islands Boat, and I don't care where the beef comes from, but I do not think that we should have Seven Islands boat be responsible to come into the House and criticise on a debate of raising it to twenty dollars to try to criticise the press, and I for one hope that that is just a limited view and will not be the view of this Government as a/. Mr. President, as far as this Bill measure is concerned I support it, and would have liked to have supported it by just saying aye without any debate. Thank you Sir.

MR. SPEAKER(Ag): No other speakers I'll ask the Government Member if he wishes to reply.

HON. V. C. JOBANSON: Mr. President and honourable Members, I have nothing to reply on other than to just thank the Members for their kind support on the amendments/on which they dealt with the Bill. Mr. President, I move Sir that this House resolves itself into a Committee of the Whole House to consider the Bill clause by clause and amended as may be deemed necessary.

SECONDED BY HON. D. V. KAMAKA

QUESTION PUT: AGREED. BILL GIVEN SECOND READING.

COMMITTEE THEREON

MOVED BY HON. V. C. JOHNSON

SECONDED BY HON. D. V. KAMAKA

QUESTION PUT: AGREED HOUSE IN COMMITTEE

CLERK: HEADING - SHORT TITLE AND COMMENCEMENT

QUESTION PUT: AGREED. HEADING - PASSED.

CLERK: CLAUSE 2. AMENDED AS PROPOSED.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A NEW ID ADDED FOR REGISTRATIONS FOR

QUESTION PUT: AGREED. NEW ID PASSED.

HOUSE RESUMED

REPORT RECEIVED

BY HON. V. C. JOHNSON

HON. V. C. JOHNSON: Third reading tomorrow morning Sir.

MR. PRESIDENT: Notice has been made on the Bill which will be taken for third reading tomorrow morning.

THE COMPANIES (AMENDMENT) BILL, 1975

CLERK: THE COMPANIES (AMENDMENT) BILL, 1975 INTRODUCTION AND FIRST READING.

MOVED BY HON. V. C. JOHNSON

SECONDED BY HON. D. V. KAMAKA

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

SECOND READING

CLERK: THE COMPANIES (AMENDMENT) BILL, 1975 SECOND READING

HON. V. G. TIBBETTS: Mr. President, I beg to move the Second Reading of a Bill entitled the Companies (Amendment) Law, 1975. The Memorandum of Objects and Reasons - Mr. President, this is another series of revenue Bills - The Companies (Amendment) Law seeks to do three things; one is to increase the incorporation and annual fees for non-resident companies; secondly it seeks to vary the filing fees and other fees as set out in the recommendations of the Law; and thirdly it seeks to remove the requirement for six repetitions of certain company notices which appear unnecessary subsequent upon the Gazette now being in operation, and therefore it includes merely one notice published in the Gazette.

Dealing with the first recommendation Mr. President, that is to increase a new fee on non-resident companies; this is a matter which has been examined in some depth - at the present time a non-resident company is a company which is designated as such by the Control of Exchange, and the non-resident company is privileged to operate outside of the Cayman Islands with certain facilities on an unrestricted capacity. Nowadays Mr. President, quite a number of people prefer to use the vehicle of non-resident companies because its simple and easy to have such designations made - the Controller of Exchange has delegated authorities to authorized agents to designate companies non-resident, and all the Banks and Trust Companies in the Cayman Islands that be-class with Category "A" Banks and Trust licenses have such authorities, and they can designate companies non-resident on behalf of the Controller of Exchange, and as I said these companies prefer to use this vehicle, and in recent times we have discovered that they are using it even more so than the facility of exempt companies.

Now, an ordinary company can be a non-resident company as well as an exempt company, but for a change of status an ordinary company which pays a small fee can also be designated non-resident, and operate practically in the same manner as an exempt company which pays a much higher fee, and it was thought that as long as exchange control continues to be administered, and as long as companies continue to use this facility under the Companies Law that a third category of fee should introduced for non-resident companies. The intention here is that operators will not mind paying the fee which is recommended it is a fee which is midway between the ordinary companies fee, and that of an exempt companies fee. And so the recommendation here/that upon incorporation the company will pay the fee of one hundred and fifty dollars and annually ten dollars. As I said, Mr. President, I doubt very much that there will be any objections to this. I have had indications from the private sector that this will be acceptable.

The other amendments are straight forward, and I need not go into any details to explain these because the recommendations are set out in the Law. I will therefore Mr. President, request this Honorable House to give their due consideration to the recommendations of this Bill as well, and to deal with it as expeditiously as possible. Thank you Sir.

DEBATE ON HON. V. G. TIBBETTS:

QUESTION PROPOSED.

HON. JOHN H. DOUGLAS: Mr. President and Members of this House, I rise to support this Bill. I feel that what these companies are doing we are facilitating them, and I am very sure that it is a benefit/to the Islands these companies, and I feel that they should not hesitate to pay an ordinary fee, and I feel with the facilities which are afforded that this fee of 300 dollars is not an excessive sum.

MISS ANNIE P. POOLEY (Nassau): Only Saturday I was talking to a man who lives in the Islands, and for him to procure a Work Permit , it seems he has a very prominent job, his company spent Say 500 dollars to get that Work Permit for him, here we are asking any Company, Chisty, Surety, fifty or five hundred dollars, and I feel that we are in no way trying to extortion, as he spoken, but we must get money to run our Government, and this fee of only 500 dollars for the facilities which are afforded to these companies, I think it is quite normal. Thank you Sir.

MR. C. RAIS BODDEN: Mr. President and Honourable Members, I am afraid I can't agree with the lady Member in supporting this Bill, and I am not really trying to take advantage of the Third Official Member because some of the Members are absent.

Since the inception of the Companies Law this Assembly has increased the fees several times in different areas. In fact on a very superficial examination I see that we have had increases in the last seven years, we have had about three increases in different areas, I feel that these companies will soon become tired of our penny-pinching around with this Law, they will soon become discussed and may eventually take their business elsewhere. We must remember that we do not have a monopoly on the tax haven business, we cannot command these people to do their business here, we can only invite them, we can only provide a favourable climate so that they will operate in it, and we should not interfere further with it - Legislating the fees everytime they turn around - establishing new categories of fees for every conceivable loophole, and we are now receiving a very lucrative business from this source, and we should not do anything that will endanger the continuance of this revenue.

Perhaps, I did not quite get the exact people that the Third Official Member talked to, but in every case that I mentioned this matter to in the private sector dealing with these companies I was told, and in fact some of them came to me, that they had strong objections to the all-in-one filing of this increase, you know these fees are due on the 1st of January/~~Each~~ year, and many of the lawyers and the financial houses that/have of these non-resident companies have already called out to these companies the fees payable for 1976, including this is due as I said on the 1st January, 1976, in fact in one or two cases I was actually shown checks that had already been received to pay the taxes that will be due on these companies in 1976, so there is a strong reason for not making this effective on the 1st of January. It may be a small amount, but it does not pay a Lawyer or a Businessman Known to a lot of unnecessary work when a company incorporating any non-resident company will have to write to several hundred of them, and tell them that your old fees no longer exists, and for those who have already sent in fees this year will have to send additional cheques.

No, we have seen in this Budget that we can set whatever date we want for this Law to come into effect as a law, when it suits us. In a matter of revenue Bills it is usually customary for us to put the tax into effect as soon as it is passed by the House, and this is a good thing in some respects because it stops one from profiteering before the tax goes into effect, but in this very session we passed a Bill on International Travel Tax on tourist cruise ship passengers, and that Bill specifically states that it will not come into effect until August, 1976, and the reason for that is that it will give the operators of the cruise ships time to build this additional cost into their cruise ships fare. Perhaps, it is because the Member for Tourism is in his Ministry sitting unseen, and I don't know if he used his influence to get this special requirement put in on the Travel Tax Law, but I can see the usefulness for it, if such tender consideration could be given to the cruise ship operators why could not similar consideration be given in this Bill to these non-

MR. S. HALL YOUNG (County): ...resident companies who bring in a tremendous amount of direct revenue. It is a matter of speculation as to whether Foreign Duty is bringing in any revenue or not, there is no question as to whether direct from collected from a specific source is a source of revenue. So Mr. President, I can't support this Bill because in the first clause it says that it shall come into operation on the 1st day of January, 1977, here we are almost in the middle of December, and we are just dealing with this Bill, there will be several days before its passing into law, depending on how long the first Member from Foddon Town decides to talk on this Bill, it will take several days before it is printed into the Gazette, and before it comes into law, and with the Christmas holidays intervening it is quite possible that by the time this Bill goes into law the 1st of January will have arrived. So here we are deliberately putting an extreme hardship on the non-resident companies that supply us with the golden eggs. We are here putting an unasked for hardship on these people in the private member that have to do with the abolitionation of these companies. If it were thought that this revenue would be received on the 1st of January, 1978, why did we not bring the Bill in the House ear ear so that people could have had time to put their houses in order.

This Bill, as the Chief Official Member stated sets out to do three things; one is to increase the registration fees for non-resident companies, that minimum fee shall be 300 dollars, I will not go into the percentage increase as I've done on the other tax measures; the total sum involved is quite high without reference to percentages. In the proposed amendment the fee for non-resident companies will not apply to exempt companies, the Chief Official Member explained this, and I think his explanation was sufficient for the withdrawal of this Bill, because he told the House that at the present time some companies are using the non-resident company status rather than the exempt company - the reason for this can only be that there is some advantage to the company taking the opportunity to use a non resident company. There has so many categories of companies in our company Law that I doubt, that any Wall Street lawyer can really understand what is meant by foreign company, non-resident, exempt company, ordinary company, extraordinary company and all the other varieties and new different kinds of companies, but be that as it may Mr. President, the fact that a corporate body has been set up and is useful to somebody, and the fact that those people who set up the companies know what they want, and they have chosen to use whatever tax facilities are afforded by a non-resident company, that alone should suggest to the Third Official Member that he should not put forward this Bill.

This Bill is in my mind undesirable it puts a hop-hole, and as it were to put a disincentive on the employment of non-resident companies. So we should not at this stage of our development in the tax haven realm be doing something to delay the use of a particular type of company which here-to-fore had been of some financial help to us. We should rather be looking for incentives to encourage the further use of non-resident companies, and other types of companies. When I examine this, and the Ordinary Law as a whole, I was not too clear on what a non-resident company is, whether it was a person living in New York and having a company head, or whether the person was living here and had its company elsewhere, but one thing seems clear that they must at times pay out for dem say in foreign currencies. For example a company would be set up here which would deal in a currency other than our own local dollar, such a company would qualify in every respect as a non-resident company, and with the amount of foreign currencies on the market today I can see that this is one area in which there is great hope for expansion in the use of our tax haven facilities. So I can't agree with this amendment

MR. G. EMIL BOUDIA (NORTH): which seeks to increase the registration fees for the non-resident companies. The second amendment to this Bill seeks to raise the scale of filing fees, and I know that sound very, in fact I think its the first time that it has been applied in our Laws to replacement of the word insurance, but nevertheless the memorandum says that the second amendment is intended to vary the scale of filing fees. This amendment I presume will apply to all types of companies, and in some instances it does a very large increase unless you take it percentage wise. I believe that in the old Law under "A" and "B" for the filing of any document and issuing of any certificate the fee had been two dollars. Once again I did not do my home work on this, but it has been varied to three dollars, and I know that we have never varied anything unless the variation was fifty per cent, so I can rightly assume that this variation means an increase of from two-fifty here to three dollars. The increase is only by one dollar, the company would really fight very hard to stop that one dollar increase, but here again at some [illegible] time that is so close to the 1st of January, when most of the returns are filed, and when, if there is any change in the directorate of the company, or whatever necessitates the filing of a document it brings it at a time when the changes would have been made, and the fees would in the process of being paid.

So that while in the first amendment we have only put emphasis on the non-resident companies to increase their fees at a time when most of them would already been paid, we have in the second a basic increase including amendment contained a grave crime, because we are asking that not only a non-resident type of company, but all companies pay this increased fee, and to make it clear we have set out in the law it must be paid for the filing of any document for the issuing of any certificate, and for providing a copy of any document. So that there can be no getting away from the fact that this must be paid, not only by equity, but by all. Why would we go to such trouble to obtain one dollar more from a company when the very collection of this in itself must be painful indeed by having been done at this particular time of the year when, probably as I said couple of times before, all fees would have been in the process of being paid.

The third amendment seeks to remove the requirement for six newspapers of certain company notices which now appear unnecessary. I can see nothing wrong with that amendment because I feel that having / request a notice six times is really too much for this matter. We have had instances during this year and last year when certain Members of the House tried to have notices published in the newspaper for two consecutive weeks, and we were always told that no such thing could be done. This was before the coming of the Gazette, and it was thought to be a great hardship to have to publish certain notices of vital concern to the inhabitants of these Islands in the newspaper even two consecutive weeks, and so the removal of the requirement for the six repetitions of a publication under this Law seems to be the only commendable thing about this Bill, and I would venture to say that if the rest of the Bill had not been so disgustingly ridiculous this proviso would not have been put into the Bill for nonsense.

To sum up my two objections to this Bill I would say that it is ill timed, if same had been brought before the House in June 1972 we could deal with it intelligently. Even we have to hastily put it into law, we will probably have to bring out an extra-ordinary copy of the Gazette to get this in by the first of January, and whether that companies for whom the fees will be affected by this amendment. Second reason is that we've had too many instances in this particular law in the last few years, and although what we called here an increase is really not an

MR. G. HAIG BODDEN [inaudible]: increase, but the creation of a new category of "tax" so we should not [inaudible] Bill that was [inaudible] hastily put forward on the very eve of New Year's Day 1970, we should not hurry now to make this Bill into law. I look forward to casting my vote against this Bill.

MR. CLAUDE W. [illegible]: Mr. President and Honourable Members, I rise in support of this Bill. The Bill seeks a law to amend the Companies Law, I would say we have been used for various purposes in the past, and I [illegible] into any statistics or long arguments as to the prevailing conditions with companies. Looking at the past, and making a note of how many companies have withdrawn themselves from our books as registered companies, I feel that it is quite fair for us to raise a collection of fees, and the collection that we are asking for is a twenty five dollars which I am sure that if any company [illegible] in the Cayman Islands which cannot finance 300 dollars for registration fee should not be a company in these Islands. I thank you Sir.

MR. JAMES M. WOODS: Mr. President and Honourable Members, I take the liberty of speaking on this subject, but I will have to advise the House at this point that due to having a financial interest, or a substantial [illegible] that deals with such matter, as well as a principal in another one I could not vote, but I would take the liberty of speaking on a few points.

I have no wish the sentiments of my colleague from Bodden Town in saying that in my opinion it is a bit ill-timed because some of the companies dealing with this type of work are already beginning to collect for the next year, and they will have to absorb this in the money that has already been collected, in other words like going to drain a container of money that will [illegible] I would say if the private companies it would be wicked then I think if this could be passed, but yet put into [illegible] at a later date, although as I said before I could not vote on it, but some of things that I think we have to start thinking about in the Cayman Islands in relating to some of the other tax havens of the world. Panama comes to a similar trade, and it is very cheap in Panama to get a company formed of this nature, and to keep it on the outside books. Bermuda probably has one of the highest tax structure on here of any place in the tax haven world, and we are pushing by a step now where our rates are coming pretty close to the Bermuda rates. We also have to think about that many other areas of the world today are beginning to compete for this type business, and are offering themselves to the financial world.

Now I go along with this in the sense that Government must be supported, and companies of this nature as well as any other company should bear the respective part because they all have a lot to gain. A company would not be formed here if it wasn't of some financial gain to people [illegible] that company, so they should contribute towards the well being of the country. I would say that in [illegible] to re-registration I would call it... the reinstatement of the company that also I think we're speaking a bit too much when we say that the re-instatement fee would be equivalent to the amount that was originally paid, probably five six say fifty per cent of it it would be part of an equitable deal. So those are the few comments I would make on this Mr. President, when time to vote on it I will have something. Thank you Sir.

MR. [illegible]: As there no other speakers I'll ask the Honourable the Member if he wishes to reply.

HON. V. G. JOSEPH: Mr. President and honourable Members, I know that Members are free to deal with these revenue Bills as they wish, but I would remind Members that they did accept in Finance Committee the new revenue proposals to produce approximately one million dollars of revenue, and therefore the proposal which we are now dealing with forms part of those new measures. Again I think we need to be consistent in what we do.

Mr. President, this is a matter which affects the private sector, and essentially the financial operations within the Cayman Islands. Before any measures of this nature are introduced in this House we always try, and endeavour to get the feeling of people who are involved in such operations as to whether they will accept these proposals or not. In fact even before I gave any serious thought to introducing such a measure people in the private sector brought it to my attention that there were operators using the facilities of non-resident companies in the Cayman Islands who should be charged a special fee for the facility, and in fact these people were endeavouring to use this instead of paying the higher fee under exempt companies arrangements. After I investigated the matter I discovered that in the registration of companies arrangements there were a large number of non-resident companies there, and in fact people discovered that after they could use this facility at a very cheap rate they were avoiding using exempt companies, and such vehicles to do their off shore operations, they used non-resident when it was only necessary to do.

I have not had anyone to make representation to me regarding the fees under the Companies Law for a non-resident company. I have had one letter from a law firm which certainly appeared/to be patient with them because his fee would be a bit late in the coming year since/as his clients would be a bit late for their own fees, and he asked me if I would extend the period from 31st of January after which the penalty /fee/ until the 31st March after all these fees would be collected, and I replied and said yes that I would extend the period for the penalty in this particular instance. Secondly Mr. President, there has been no time yet that there was an amendment to the Company Law that this was not put into effect the 1st of January - there is no other time to put this into effect, because all fees are payable on the 1st of January, and all Annual Meetings are held between the end of November and the early part of December, so all laws must come into effect to be operative on the 1st of January, so I don't see where this year is an exception to any of the other years. I can't understand the Member taking all the points that he did about this law, I don't know who might have made representations to him, might have been somebody who has nothing to do with non-resident company, perhaps some people who don't know the meaning of non-resident companies, they heard about this law and probably think that it applies to something else.

In that respect Mr. President, the tax that will apply to cruise ships passengers to be effective on the 1st of August. This Government was not introducing that tax until sometime next year, but the Honourable Member responsible for the portfolio appealed to Government to have the tax introduced early enough so that all operators would be aware that this tax would be coming into effect on the 1st of August, and for that reason it was introduced. There is another measure that is coming into effect on the 1st of August and this/is remove tax from element of food called the Hotel and Accommodation Tax, that is not being brought into effect until some time next year, but in order to facilitate the cruise ship operators the law was brought into effect early enough, and that was the reason for it. The laws will have to be published in an extraordinary issue of the Gazette, but this is not the only law that will be in that issue, I mean we've just passed one here a little while ago in

HON. V. G. JOHNSON (QUORUM): ...which nobody have any objection to it - passed through unanimously as far as I remember - that will be effective on the 1st of January, I assume ... but we were going to publish that one if it wasn't in an extraordinary issue of the Regerte - we don't publish one law in a Gazette, we publish all the laws available in a Gazette, so that is no excuse again. Any how Mr. Speaker, I do believe that there are some Members who get excited when the increase which is approved by Government exceeds twenty dollars, and I think it was in this case, I don't think there is anything for any of us to be excited about in this particular issue, I think it will be quite acceptable to the entire financial community - they know about it - nobody has said anything to me and I take it that its going to be acceptable, and so I will ask Members to go through the laws in that spirit, and as we go into committee of the whole House I hope that they will do with that spirit. Thank you Sir.

QUESTION PUT: AGREED. BILL, REVISED LAWS OF ANTIGUA AND BARBUDA, 1970

COMMITTEE THEREON

MOVED BY HON. V. G. JOHNSON

SECONDED BY HON. E. T. WALTER

QUESTION PUT: AGREED. Words in committee

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT

QUESTION PUT: AGREED: CLAUSE 1 AGREED

CLERK: CLAUSE 2: INTERPRETATION

QUESTION PUT: AGREED: CLAUSE 2 AGREED.

CLERK: CLAUSE 3: CLAUSE 3 CHAPTER 22 REVISED.

HON. V. G. JOHNSON: Mr. Chairman, under paragraph (f) - it says by deleting section 209 and substituting - could I ask for an amendment there Sir to read - by deleting subsection 1 of section 209, and substituting - that includes the VAT before the increased taxes and substituting it.

MR. CHAIRMAN: It is being proposed that (f) be amended by inserting subsection (1) at section (209) and substituting the figure (1) for (209) after the increased taxes.

QUESTION PUT: AGREED. CLAUSE 3 AGREED AS AMENDED.

CLERK: A BILL TO AMEND THE INCORPORATION LAW

QUESTION PUT: AGREED. TITLE AGREED.

BODIES CORPORATE

BODIES' CHECKOFF

BY HON. V. G. JOHNSON

...ING ANTIGUA TOMORROW

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

ADJOURNMENT

MOVED BY HON. D. G. KEITH

SECONDED BY HON. W. G. HUNSON

QUESTION PUT: AGREED:

AT 5:15 P.M. THE HOUSE ADJOURNED UNTIL TUESDAY MORNING, 9TH DECEMBER, 1975 AT 10 A.M.

M I N U T E S

THURSDAY, 8th December, 1977 10 a.m.

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS JAMES, CBE - PRESIDENT

OFFICIAL MEMBERS

Hon. D.V.Meier, CBE.,JP	First Official Member
Hon. G.R.Haddaway, CBE.,QC.	Second Official Member
Hon. V.G.Johnson,OBE.,	Third Official Member
Hon. A.H.Nash,J.P.	Second Electoral District, George Town (Member for Works, Communications and Public Transport).
Hon. Trevor Foster	Third Electoral District, Cayman Islands (Member for Co-ordination and Information)
Hon. Benson O.Ebanks	First Electoral District, West Bay (Member for Education, Social Services, Health, Labour).
Hon. W.W.Conolly, OBE.,JP	Sixth Electoral District, East End (Member for Tourism, Lands and Natural Resources, MCD, Agriculture and Surveys)

UNOFFICIAL MEMBERS

Mr. T.W.Farrington, OBE.,JP	First Electoral District, West Bay
Mr. John D.Jefferson	First Electoral District, West Bay
Miss Julie M.Bodden	Second Electoral District, George Town
Mr. Rinaldo Hill	Second Electoral District, George Town
Mr. James M.Bodden	Fourth Electoral District, Bodden Town
Mr. L.Craig Bodden	Fourth Electoral District, Bodden Town
Mr. Craddock Ebanks	Fifth Electoral District, North Side.

ORDER OF THE DAY

TUESDAY, 9th DECEMBER, 1975

1. CONFIRMATION OF LAST MINUTES OF THE 3rd AND 4th SEPTEMBER, 1975.

2. PREVIOUS ANSWERS' QUESTIONS

(a) MISS ANNIE E.BROOKS (CONSTITUENCY OF GEORGE TOWN) TO ASK THE HONOURABLE BENSON O.EBANKS, MEMBER FOR SOCIAL SERVICES, EDUCATION, HOUSING, ETC.

(i) WHAT IS THE COST OF THE RENOVATION OF THE CAYMAN ISLANDS HOSPITAL TO DATE OCTOBER, 1975?
IS IT A FACT THAT A MEETING WAS HELD WHEN EMPLOYEES WERE INSTALLED, THEY BEARERS AND NEW TECHNICIANS IN THE HOSPITAL, AND WHO WERE PAID BY THIS GOVERNMENT REFUSED AND SPACE FROM THE OVERHEAD REHOUSING COST?
IF THIS IS CORRECT, WHAT WAS THE LARGER COST OF THE SAID REFUSED, AND THE COST OF THE INSTALLATION?

(ii) WHY IS IT NOW NECESSARY FOR THE EDUCATION DEPARTMENT TO ADOPT THE POLICY WHICH CONSISTS IN STAFF-RATIONALISATION SCHOOLS TO DISCHARGE WAS NOT GOVERNMENT AWARE OF THE FACT OF THEIR QUALIFICATIONS WHEN CERTAIN TEACHERS WERE EMPLOYED?
WHY AT THIS STAGE WILL THE EDUCATION DEPARTMENT ADOPT A POLICY TO "LAYOFF OUT" EXPERIENCED TEACHERS WHO HAVE BEEN EMPLOYED IN THE COMPREHENSIVE SCHOOL (WHAT APPEARS TO BE GIVING SATISFACTION UNDER SUCH HEADMASTERS), AND INTENDS TO RECOMMEND TO THE PUBLIC SERVICE COMMISSION THAT SUCH CONTRACTS WILL NOT BE RENEWED AFTER JUNE, 1976, WHICH AS A MATTER OF FACT IN THE EARLY SELECTION OF TEACHERS FOR THE COMPREHENSIVE SCHOOL, TEACHERS WERE EMPLOYED, WHO DID NOT EARN THE CRITERIA QUALIFICATIONS, AND NOT AS MUCH TEMPTATIVE ESTABLISHMENT OF SOME OF THE TEACHERS WHO WILL BE AFFECTED DOES, IF THE PUBLIC SERVICE COMMISSION POSTS THE RECOMMENDATION OF THE EDUCATION DEPARTMENT, AND DEPRIVES STUDENTS TEACHERS OF CERTAIN AREAS OF SPECIALISATION IN THE CAYMAN ISLANDS.

(b) MR. JAMES ALEXANDER (CONSTITUENCY OF NORTH SIDE) TO ASK THE HONOURABLE W.W.CONOLLY-ORE, JP., MEMBER FOR TOURISM, LANDS AND AGRICULTURE.

AS CHAIRMAN OF THE BOARD AND BOARD AND MEMBER FOR TOURISM CAN THE MEMBER STATE THE PRESENT POLICY PROHIBITING THE GRANTING OF RIGHT OF CITIZENS DUTY TO PROVISION OF A CO-OPERATIVE AGREEMENT OR CONSTRUCTION WORKS. REFERENCE TO THIS REPORT BY DAVID THE INSPECTOR WHO CAME TO SEE OF FROM CUSTOM DUTY, WHY WAS IT REVERSED AT THE SEPTEMBER 1974 MEETING? CAN NOT IF MANY CARS THE APPLICATIONS FROM FOREIGN WHO OBTAINED LIGHTHOUSES FOR HIRE OR TOURISTS WHO COME UNDER THE LAW FOR CUSTOM DUTY RELIEF, ARE NOT INCLUDED IN THE ANNUAL CONSIDERATION?

(c) MR.CRAWFORD EBANKS (CONSTITUENCY OF NORTH SIDE) TO ASK THE HONOURABLE W.W.CONOLLY-ORE, JP., MEMBER FOR TOURISM, LANDS AND AGRICULTURE.

A TRAILER HOME WAS RECENTLY IMPORTED INTO THE ISLAND UNDER SECTION 10 SUB-SECTION 2 (c) OF THE CUSTOMS LAW, '74 OF 1971 EXEMPTED TO BE USED FOR AGRICULTURAL PURPOSES. WHAT THE MINISTER STATE WHAT KIND OF AGRICULTURE IT IS BEING USED FOR, WAS PREVIOUSLY DESCRIBED IN WHAT MANNER IT IS BEING USED
IF IT IS NOT AT PRESENT AT A SUITABLE BASE FOR AGRICULTURAL PURPOSES, WHEN WILL IT BE PLACED THERE?
WAS DUTY PAID AND ON WHAT GROUNDS WAIVED?

(d) MR. THOMAS A. ROGERS,.....

(a) MR. JAMES H.DOUGLAS (CONSTITUENCY OF HOUGHTON TOWN) TO ASK THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

IN PREVIOUS MEETINGS IN THIS HOUSE WHERE QUESTIONS WERE ANSWERED AND QUESTIONS ASKED CONCERNING THE OPERATION OF CANADIAN OPERATORS, IT WAS STATED THAT GOVERNMENT AND PARLIAMENT AS EXPERT TO DETERMINE WHETHER THE RATE STRUCTURE WAS EQUITABLE AND IF NOT ANY OVERCHARGES WOULD BE REFUND TO THE CUSTOMERS, AND THE REPORT WOULD BE SUBMITTED TO THE HOUSE. THIS HAS NOT BEEN DONE AND CAN WE BE ASSURED BY THE MINISTRY EXPERTS AT A TIME WHEN THIS COULD BE EXPECTED
IS THERE ANY INDICATION OF THEIR STUDY'S KEY YIELDS?
IS THERE ANY CHANGE IN MANAGEMENT ARRANGEMENTS
CAN THE FRANCHISE ORDER WHICH CONTROLS ACTIVITIES BE CHANGED TO THIS HOUSE? IF SO, WHY?
A PREVIOUS UNDERSTANDING THAT INTO EFFECT OF CANADIAN UTILITIES - WAS TO BE APPROVED BY GOVERNMENT BY THE END EFFECT IMMEDIATELY
IS IT TRUE THAT CANADIAN UTILITIES HAVE REQUESTED OR NOTIFIED GOVERNMENT OF THEIR INTENTION TO INCREASE RATES SHORTLY.

4. GOVERNMENT BUSINESS.

(i) THE LEGISLATURE (AMENDMENT) BILL,1975 (NOTED RESUMED)

(ii) THE COMPANIES (AMENDMENT) BILL, 1977 (INITIAL READING)

(iii) THE ELECTORAL (AMENDMENT) BILL, 1975 (1st AND 2nd READINGS)

(iv) THE DOCK WORKERS (REGULATION) BILL, 1976 (GOVERNMENT BILL, 1975 (1st AND 2nd READINGS)

GOVERNMENT MOTION NO.7 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975 - TO BE MOVED BY THE FINANCIAL SECRETARY.

(v) THE PORTSTOWN NATIONAL PARKS ENFORCEMENT BILL (1st AND 2nd READINGS)

(vi) THE PROPERTY AND LAND RATES BILL (1st AND 2nd READINGS)

(vii) THE APPROPRIATION BILL, 1976 (1st AND 2nd READINGS)

5. PRIVATE MEMBERS MOTION -

TO BE MOVED BY MR. G. KEITH ANDERSON (CONSTITUENCY OF HOUGHTON TOWN)
TO BE SECONDED BY MR. JAMES H. DOUGLAS (CONSTITUENCY OF HOUGHTON TOWN)

WHEREAS THE REPLY GIVEN ON THE 14th DECEMBER,1975 ON THE QUESTION CONCERNING CRIMINAL RECORDS CONTINUED WAS NOT SATISFACTORY
BE IT RESOLVED THAT UNDER STANDING ORDER 27 LEAVE IS ALLOWED ON THE REPLY TO THAT QUESTION.

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TUESDAY, 9TH DECEMBER, 1975

10 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The first item on the Order of the Day is confirmation of Minutes for the 3rd and 4th September, 1975.

CONFIRMATION OF MINUTES

HON. D.V. KAYLEY: Mr. President and Honourable Members, I beg to move the confirmation of the Minutes of the Legislative Assembly held on the 3rd and 4th of September, 1975.

SECONDED BY HON. T.E. WOODDINGTON.

QUESTION PUT: AGREED. MINUTES CONFIRMED.

MR. PRESIDENT: We'll proceed now to private Members' Questions.

QUESTIONS

MISS ANNIE H. BODDEN, MLA FOR CAYMAN BROAC TO ASK THE HONOURABLE E.G. EBANKS MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR EDUCATION, HEALTH, SOCIAL SERVICES.

What is the cost of the renovation of the Cayman Islands Hospital to 27th October, 1975?

ANSWER

The cost of the renovation of the Cayman Islands Hospital to 27th October, 1975 is $361,000/-.

QUESTION 2

Is it a fact that four men and one lady were employed to install two Heaters and one Incinerator in the Hospital and who were paid by this Government separate and apart from the ordinary renovation cost?

ANSWER

I am not aware of how many men and/or women it took to install 2 Heaters and one Incinerator at the Hospital. However, the installation cost of this equipment was a part of the original Labour Contract.

QUESTION 3

If this is correct what was the landed cost of the cited equipment, and the cost of the installation?

ANSWER

Please see Number two above.

HON. BENSON O. EBANKS: Continuing with the questions from the First Member from George Town.

QUESTION 4

Why is it now necessary for the Education Department to adopt the Policy which obtains in three maintained Schools in Britain?

ANSWER

It is the Policy of the Education Department to upgrade the Educational system of the Cayman Islands at all levels. Untrained teachers have been phased out of the Primary Schools and in keeping with sound Educational practice in Britain (and in other progressive countries) untrained graduates will be phased out of the Secondary School system of these Islands.

QUESTION 5

Was not Government aware of the fact of their qualifications when certain Teachers were employed?

ANSWER

Government is aware of the qualifications of all teachers employed in the Service.

QUESTION 6

Why at this stage will the Education Department adopt a policy to 'phase out' untrained graduates who have been employed in the Comprehensive School, [and apparently gained satisfaction under four Headmasters], and intends to the Public Service Commission that their contracts will not be renewed after July, 1976 when as a matter of fact in the last selection of teachers for the Comprehensive School, Teachers were employed, who did not have any better qualifications, and not as much teaching experience as some of the teachers who will be "phased out", if the Public Service Commission adopts the recommendation of the Education Department, and deprives certain Teachers of their means of livelihood in the Cayman Islands?

ANSWER:

The first half of this question is answered under (a). To continue -
In the recruitment of teachers for September, 1975 no untrained teachers were employed. All graduates and non-graduates currently employed hold professional qualifications. Further this Government is under no obligation to contracted officers to renew contracts on a short or long term basis to ensure that they obtain a livelihood in the Cayman Islands.

SUPPLEMENTARIES:

MR. CHARLES KIRKCONNELL: Mr. President, a supplementary question arising out of question 6. If Government is phasing out the unqualified teachers that might have served in this capacity for a period of years. is Government providing any other job for them in other Government departments?

HON. BENSON O. BANKS: I have no knowledge of alternative employment being arranged, Mr. President.

MR. CLAUDE M. HILL: Mr. President, another supplementary question. I would like to find out from the Member who is responsible for Education and Social Services if the phasing out will bring a shortage of teachers in general in the Educational Department?

HON. BENSON O. BANKS: The answer is no, Mr. President.
The Phased out is chosen to indicate that they are not being replaced; these people will not be re-employed when the present contracts expire.

MR. CLAUDE M. HILL: Another supplementary question then, Mr. President. Since the phasing out has no effect, I would like to find out how will the replacement come about?

HON. BENSON O. BANKS: In a normal course of recruitment.

MR. CLAUDE M. HILL: Another supplementary please, Sir. What is the normal course of recruitment then? Could the Member say?

HON. BENSON O. BANKS: By advertisement within the Caribbean, Canada or might even be through the Foreign and Commonwealth Office.

MISS ANNIE T. BODDEN: Mr. President, with your permission I should like to ask the Member responsible for Education what actually is the trouble with these teachers why they are being phased out?

HON. BENSON O. BANKS: Mr. President, the Member has the answer to that in the answers which I have given.

MR. CRAFTON ARANAS: Mr. President, another supplementary question. Can the Member say that in his opinion it is fair to employees to the

MR. CRADDOCK FRANK: (CONT'D) ... cannot over a period of years be phased out and not given consideration to some other employment into Government circles?

HON. BENSON O. BANKS: Mr. President, as far as I know Standing Orders does permit questions which solicit an opinion as an answer.

MISS ANNIE M. MITCHELL: Mr. President, with your permission I would like to ask the Member, is it or is it not a fact that one of the certain teachers who will be phased out has been promised employment in another department of Government?

HON. BENSON O. BANKS: Mr. President, I have already said I have no knowledge of any alternative employment being offered; this is not the concern of the Education Department. The teachers who are being phased out have been given ample notice; there is a total of five teachers involved and three have been given notice for July, 1978 and two for July, 1979.

MR. CLARKE M. IRIE: Mr. President, another supplementary Sir. I note in his answer, I have first to say that this is keeping with sound education practice and business. I'm wondering if the practice administered in the Cayman Islands will be equivalent to that of Grenada?

HON. BENSON O. BANKS: Mr. President the answer to that is contained in the answer to question 4.

MR. CRADDOCK FRANK: Mr. President, I'll just like to clarify one point on one of my questions. A year ago when a teacher from the Primary School was being phased out they told the teacher that they would provide a job for her by the time school was ready to open, the time for school to open she had no job, two days after school reopened the new teacher that was to fill her place didn't appear and they had to go back and ask this teacher to fill the gap again until they got another teacher, she did that, then she was phased out again she was left on the street. If that is ---------- ...

HON. BENSON O. BANKS: Mr. President, is that a question or a statement Sir?

MR. CRADDOCK FRANK: I said a statement Sir, and if that is fair treatment to employees, Civil Servants and everyone then we got to end up in a lot sooner or later.

MR. PRESIDENT: I must remind Members that questions is for asking questions.

MISS ANNIE M. MITCHELL: Mr. President, if I may be permitted to ask the Member responsible whose idea it is to phase out these teachers, is it an order from Britain or is it a local set up?

HON. BENSON O. BANKS: Again the answer is in the answer to question 4. It is the policy of the Education Department.

MISS ANNIE M. MITCHELL: Then Mr. President, am I to understand that the Education Department it's Basic decision?

MR. PRESIDENT: I think the Honourable Member has already said that in the last answer.

MR. G. IVAN BODDEN: Mr. President, can I ask the Member what is the breakdown of the employment, that is the teachers and instructors?

MR. PRESIDENT: I think the Honourable Member is only asked to give this information if the answer was covered in the second part of question 1, and he has explained.

MR. G. ISAAC NORTON: Mr. President, I see the answer here as saying see number 2 above but number two above only gives the answer to the cost of installation, so the Member has really not answered what is the cost of the equipment. It may be safe that the cost of the plants in price was a part of the labour contract, but he doesn't mention anything about the cost of the equipment so I'm querying what is the cost of the equipment?

HON. BERNON O. BENNET: Mr. President, I would call the Member's attention to the fact that this question is phrased "if this is correct," in other words if what was contained in number two was correct, this one being correct I do not consider that the second part of the question was relevant.

MR. S. HAIG BOLGER: That may be correct Mr. President from the original question. As a supplementary, I'm asking what is the cost? Whether that was in the original question is correct or not.

MR. PRESIDENT: I think that's fair.

HON. BERNON O. BENNET: The cost of the incinerator is $5351.05 the two heaters is $678.77.

MR. CEDRICK FRANCIS: Mr. President, another supplementary on this question. Was it put out for tenders for the purchase of this incinerator and equipment or just purchased haphazardly?

HON. BERNON O. BENNET: Mr. President, I would just like to make it clear, it was not purchased haphazardly. It was not put out to tender because it was a part of the contract for the renovation of the Hospital, it's part of the equipment to have been supplied in the contract.

MR. FRANCIS M. HILL: Mr. President, another supplementary Sir. Was the Member - labour contract where Members could examine if needed?

HON. BERNON O. BENNET: There is a labour contract in existence for the Hospital.

MR. SPEAKER: If there are no other supplementaries we can pass on to the next question.

I see the Honourable Member who's down to ask his question is not present so it'll stand over until tomorrow morning. We'll pass on to the third question by the Honourable Member from Mount Cain.

MR. CRADDOCK FRANCIS, MHA FOR MOUNT CAIN TO ASK THE HONOURABLE THE MINISTER, DEPT., IF MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, LANDS AND NATURAL RESOURCES, FORESTRY AND AGRICULTURE.

(a) A trailer home was recently imported into the Island under section 19 subsection 3 (a) of the Customs Law 14 of 1971 purportedly to be used for agricultural purposes. Would the Member state what type of agriculture it is being used for, who presently occupies it and where is it located?

(b) If it is not at present at a site being used for agricultural purposes, when will it be placed there?

(c) Was duty paid and on what declared value?

ANSWERS:

(a) The following agricultural projects are being carried out by the owner of the trailer:

(i) Vegetable production,

(b) Ground percussion production.

(c) Cattle roaring.

(B) The Emitter is occupied by the owner on a part time basis at this time, as the lands being farmed in the district of West Bay.

(C) The duty was paid on a C.I.F. declared value of CI$6,113.60.

MR. PRESIDENT: If there are no supplementary questions we'll pass on to the next question. Again the Honourable Member who is down to ask his question is not present, so this will be held over until tomorrow morning.

We'll proceed next to Government Business, starting with The Lighthouses (Amendment) Bill, 1975.

THE LIGHTHOUSES (AMENDMENT) BILL, 1975 - THIRD READING

CLERK: THE LIGHTHOUSES (AMENDMENT) BILL, 1975 THIRD READING

MOVED BY V.G. JOHNSON, SECONDED BY HON. C.V. WARNER

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

THE COMPANIES (AMENDMENT) BILL, 1975 - FIRST READING

CLERK: THE COMPANIES(AMENDMENT) BILL, 1975 A FIRST READING

MOVED BY Hon. V.G. Johnson, SECONDED BY Hon. C.V. Warner

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

THE FIREARMS(AMENDMENT) BILL, 1975

CLERK: The Firearms (Amendment) Bill, 1975 introduction and first reading

MOVED BY HON. V.G. JOHNSON, SECONDED BY Hon. C.V. Warner

QUESTION PUT: AGREED. BILL WAS THEREFORE DULY GIVEN A FIRST READING.

CLERK: THE FIREARMS (AMENDMENT) BILL, 1975 (SHORT TITLE)

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a bill entitled "The Firearms (Amendment) Law , 1975".

Mr. President, this is another of the several bills of the series which I mentioned in the budget address, and the purpose for the amendment of this Law as stated in the Memorandum of Objects and Reasons is to vary the rates of license fees under the Law. The fees recommended in this amendment Law are approximately double of what they are at present; these were examined and it was thought was that it was time to increase gun license fee because this had not been done for a number of years, and therefore it fell among a group of many items of revenue which required revision and reviewing. It is still a single gun, Mr. President, and is perhaps not a very big source of revenue, but it helps. It helps to produce the figure which we included in the Estimates for our revenue including a million dollars, and so I would ask Members to give these some consideration to the recommendation, and to approve of the Bill.

Thank you Mr. President.

SECONDED BY HON. C.V. WARNER

QUESTION PROPOSED: DEBATE ENSUED.

HON. JAMES M. MILLER: Mr. President, I'm not very conversant with firearms etc, but I noticed here that ammunitions are not included in this list. I do not know if they come under the rifles, hand guns or what kit,

MISS JANE H. SOLOMON: (Clerk): I'm not sure, I would like to find out if that is my impression or what.

HON. [illegible] ANDERSON: Mr. President, hand guns would cover revolvers.

MR. S. HAIG SOLOMON: Mr. President and Honourable Members, I support the bill in principle but I'm against the exorbitant increases. If my figures are correct, under the old law we collected one dollar and fifty cents on a shotgun and a dollar fifty on rifles. The increases suggested here are five dollars for shotguns and ten dollars for rifles, and this is not merely doubling the rates as the Third Official Member suggested; actually if we want to use percentages in the case of the shotguns the license fee is here increased by three hundred and thirty-three and a third percent, and in the case of the rifle it's increased by six hundred and sixty-six and two thirds percent; the handguns seem to have gone from eight dollars I believe to ten dollars which is a reasonable increase.

It is true that if we're going to have to increase expenditure this year we must have increased revenue, but why can't we go slowly? I would say an increase of twenty-five percent as was done in the 1964 would be reasonable and could be supported; and while I would probably even support a bill to put a ban on the importation of more guns I would say that the shotgun is very necessary in this Island particularly for the type of pumps that one shotguns. It's certain that if a survey was carried out we would find that probably ninety percent of the shotguns in known Islands are owned by farmers who use them for shooting rabbits from their grounds and perhaps even even in the occasional bird for food, and I believe that we should allow shotguns because they are necessary here.

The Financial Secretary or the Third Official Member alluded to the Members approving the one Million dollar increased in revenue, but in fact yesterday evening in recommending another bill or in winding up the debate on it he elaborated on that point that the Members of the Assembly in the Finance Committee had approved the increased revenue and the increased expenditure, and it sort of follows that we should now approve these increases. It is true that the Finance Committee accepted expenditures and increased expenditures under certain heads, but it is not true that all Members supported these increases; there was no unanimous decision, in fact if one examines the minutes which were presented to this House yesterday, (that is the minutes of the Finance Committee) it is shown clearly that I as a Member voted against the dollar expenditure for the Town Planning Department. The Marine Terminus Study, The Broadcasting Station, The Establishment of the water system and the new Services. And, I'm positive if these items of expenditure were removed from the budget particularly if we take instead of the ten dollar token figure for the water system, if we put in a realistic estimate of the true cost we would find that it would not be necessary at this time to increase a single item of revenue.

So, while all the Members must bear the blame for whatever is done by the majority of the Members I want it known that a minority of Members did oppose some of the expenditure. And, if success in cutting expenditure it is reasonable that we would also not need the revenue if there had been no increased expenditure. When we come to deal with this law or that bill I may perhaps ask that some of these figures be cut, not because it will really put any hardship but to be consistent with what I've been doing all along trying to fight the exorbitant increases which are proposed to satisfy our greed for revenue. As I do not feel very strongly on this matter I have not tabled any amendments to this bill, but I may ask that some of the figures be changed.

HON. [illegible] M. HILL: Mr. President and Honourable Members, I rise in support of this bill before us, The Firearms Law. And, while looking at the Memorandum of Objects and Reasons I now realise it is well desired as said by the Third Official Member in his introduction of the bill; these are reasons given to us already in the Finance Committee in regards to raising funds for

DR. CLARKE M. [illegible]: the budget, and I feel that each and every-one of us here should support such a small bill as this and give it due consideration without trying to tie any tradition to it off for any particular season. It is desired to vary the rates of licence fees under this Law, which being percentage wise it does not ask for very much, and I feel Sir that each and everyone of us here on both sides should agree with this bill; the only thing that I feel would be a bother to anyone here would be the one that is not licenced and that is not licensed in the community or the constituties where people have access to the use of guns without the permission of that use - and using it illegally which would be a very detrimental act of law which I'm sure can be made right by the constabulary force.

I thank you Sir.

MR. JAMES M. BOCOCK: Mr. President, I rise in order objection to this bill. One particular thing that I take objection to is the use of the word "vary" instead of the true meaning of increase. I will agree it's a very subtle way of putting it and it sounds a lot better, but let's not mistake ourselves, it still has the same true meaning as the word "increase" would have. It is true, Mr. President, that the Budget has been approved by the majority of the Members of this House, and like every good Democratic Government does it's approved by the majority, the majority has to rule but that doesn't mean that the minority may not object and there has been a fair amount of objection from certain Members of the House concerning some of the things that are in the Budget. I personally feel that the increases in some cases here are too high, we're still following the same big percentage as we followed in some of the other bills.

Another objection Mr. President, would be this, that it is common knowledge now amongst the Cayman Islands that we're accumulating quite an arsenal of offensive weapons and if something was done about that either at the Customs Department or the Police in regards to confiscation or seizing that the people did pay their permits on these it might be possible for us not to have increased this. But, I have no sympathy in some cases in regards to the increases on these people because I think if a man has this type of equipment then he should pay for it; now what I object to is the large percentage increases that we're using on this bill, as we've done on the other ones in the past, and the stable word "vary" being increased instead of increase. And, I would have hoped that instead of increasing some of these things that if we had cut out some of the so called important expenditures like the Town Planning, the Cadastral and so forth we would have been a lot better off. Of course, I know that it would have been harsh to cut off the Cadastral because it is very seldom that a person or a country can spend the amount of money that was spent on Cadastral and map work great towards, it's like a sinner on his death bed was going to Heaven after he has done all the bad things that he has done all of his life - because as we will be debating that particular subject, and I propose in my debate on that to really get down into deep water, but Mr. President, I would have preferred to have seen things like that cut out instead of some of the increases that we have taken, and this is what worries me because whatever could be this House - if a matter was to come to the House presented by the Government side this morning to demand six Members of this Assembly is would pass, but that is the thing that worries me, Mr. President, when there is [illegible] chance of being able to block the vote in this House.

Thank you very much.

MR. CRADDOCK [illegible]: Mr. President, I quite understood from the Financial Secretary's opening remarks on this bill what is the purpose for introducing the bill. We feel that even though it's not a big item of taxation it will be like the boy and his mother that were travelling along in a boat and the boat got capsized, the little boy went down on three or four occasions believed himself in the surf on the way, and she said to her son every little bit will help. So, it's in the light of every little bit for the increased deficit that we've got facing us that we do not run short of money on the revenue, and why this is brought before us. I remember a year ago or about talking generally to the Financial Secretary

MR. CRADDOCK BRANCH: (CONT'D): ...many the times of taxation, and I said to him then what about the increase in drivers licence, probably from two dollars to five dollars, well that would be my angle it wouldn't worry me one way or the other as it were, yet this now would be much less than that would have been even a year ago but this can be bothered with now.

As has been pointed out the percentage rate is downright, outright and what not, it still doesn't impose a very harsh restriction or deterrent. Firearms misuse and a firearm is a dangerous piece of equipment, it's something not to be played with and I am wondering myself where revolver come in at but I have been enlightened on it, and I feel, Mr. President for such a piece of equipment that can so easily be hidden and smuggled and concealed and taken around for a ten or ten dollars no consideration has been given as far as I'm concerned to restrict the movements of such a piece of equipment. I suppose most such owners when they make application for home and protection of their home - probably many of them take it around with them, and I feel that a very very large amount ought to be placed on a revolver whether they want it for home purposes or whether now where it should remain with; but I feel that such as this I wouldn't give any support to.

The shotguns are normally used by, as has been said farmers for the protection of their farms against rabbits and what not and they are not easily concealed or carried around, but, Mr. President, I hope that those responsible for such as this will go into these things and amend this and bring something that would be more suitable before I could give any support to it as it is. It has always been while some people can get just what they want, when they want and how they want others can't - a fellow was talking to me nine months ago, has put in an application asking for a permit to use a shotgun on farms and until now he hasn't got a reply as whether his application is accepted or not, yet he knows that it has been received. It only take nine months to say yes or no to an application because it's a local boy, if it had been somebody else it wouldn't have been a question they would have got their licence the next day. These are the things, Mr. President, that one has to take in consideration while it seems to be the feeling of an officials that Members shouldn't go along or accept as it were the grievances of the public, but who then should go along with the grievances of the public if it's not the elected Members that are put in here to represent them. I mean, it we just can't then we just don't have it. We here, just have the head of state and three or four then and call it finish.

Mr. President, in principle as I pointed out this bill I just can't support it at all in its entirety; and the increase that we will get from it nobody salary will be hurt from it, they won't lose anything. So, when we see something different from this I will give consideration to it.

MR. PRESIDENT: If there are no other speakers I ask the Honourable Mover of the bill to reply.

HON. V.G. JOHNSON: Mr. President, I am grateful to those Members who spoke and who gave their support to the bill; to other Members who opposed it it is entirely their prerogative to do so, no one is forced against their wishes to triumph or reject a matter in this House. The term used here, Mr. President, to vary the rates is one used by the Legal Department. I would have used increase, it's like the tax cyclone you know if you used the term evasion taxes they accuse you and say that's wrong the legal term is avoidance on taxes; so I suppose it's the same here varying and increase, it's the same thing; I would've used increase, but this is the Legal Department's definition of an increase to vary.

Mr. President, I will recommend the bill as it stands. Despite of what Members have said about it, I still think it's a reasonable proposal and I'm sure that the House will go along with it. I recommend the bill, Sir.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

COMMITTEE RESUMED

MOVED BY HON. W.R. ROBERTS, SECONDED BY HON. D.F. MILLER

QUESTION PUT: AGREED.

BILLS IN COMMITTEE

FIREARMS CLAUSES 1 SHORT TITLE AND COMMENCEMENT,

QUESTION PUT: AGREED, CLAUSE 1 PASSED

CLAUSE: CLAUSE 2. LAW 17 OF 1964 AMENDED.

QUESTION PUT:

HON. DENIS D. MORRIS: Mr. Chairman, I would like to suggest Sir that "Revolver" be put in some place in this Law so it does not appear under Law 17 of 1964 and the fee be twenty-five dollars. Now, I am very afraid of guns (Hon. Member D. Francis - can't be personal) but I have been round this from Japan and I had a case in Court a man brought in a little revolver about the size of my finger, well. In those days the Judge was very lenient (inaudible) but that instrument or whatever you call it was so small that you could put it almost in your shoe, and I feel Sir, that we should make the fees on this type of gun sufficient that we sort of discourage the importation. Then not so long ago there was a little girl passed by home which had a revolver Sir, I believe you call it, she had picked up somewhere and was walking about with that, so I feel that revolver should be classed in the Law with a fee of twenty-five dollars. (inaudible) (NOTE NOT ON TAPE/SPEAKER'S MICROPHONE)

HON. W.M. ROBERTS: Now, Mr. Chairman I am not agree with the Member but the fact remains that all the guns that she has tried have been guns that have been illegally carried, not licensed at all, and as I see it here I believe that those people who legitimately have guns and who come forth every year and licence those guns a record is kept, and I feel like, while it's not much revenue to be gained from it, but in keeping with the Law of increase I think the ten dollars is a sufficient sum.

HON. DENIS D. MORRIS: Mr. Chairman, I'm quite cognizant of the fact that the guns I have cited were guns which people were in possession illegally of those weapons. Nevertheless, I feel that even if they are in possession of revolvers legally having had a license to import and a licence to use that the amount of twenty-five dollars is too little. We have had instances where people had to use guns blameworthily, taking even their lives with it and I feel that we should not allow people to take around guns without paying I would say twenty-five dollars for those revolvers. I am quite cognizant of the fact that I cited that there were ranges different from pistol licences, I was only trying to demonstrate how very small a little gun can be and that it can be most dangerous, that's all I was saying, and I agree with what I said.

HON. W.M. CROMWELL: People have them for sentimental values too, you know.

HON. A.B. BUSH: I can well see the lady Member's point, but I think she should realize that with the small fee that was being paid and they still were unlicensed that to increase the fee would give a great incentive not to license the gun. I certainly agree with her, that in my mind guns should be banned altogether. I have never had one of my own of any kind really in all of my life and I don't see the need for them in Ireland like this. And, although I would like to see a greater fee put on that, I think we should consider how considerable Government has been in trying to keep everything to a minimum. But at the same time try to raise a little extra revenue for the Island; - although I know there are a lot unlicensed guns in the Island or so I understand, and with the small fee we're paying they still won't come forward and pay their license fee, so by increase in expense we admit it will give a greater incentive for them to hide their guns away.

HON. ANNIE B. WATLER: Mr. Chairman, the only thing is that we're crying now as if there was not a penny in the Cayman Islands people still have money, they're not that broke, they must be getting a little more conscious of not to waste it, but you'll tell me today that what is twenty dollars or five dollars or ten dollars to those; they are dangerous weapons, and believe you me Sir there are a lot of unregistered and unlicenced guns and weapons in the Cayman Islands. I know they are very strict on some people, I know I had a client who had a shotgun that she had inherited from her grandfather or great grandfather or somebody a regular family treasure and she went to the Police Department to have its license paid or it, they said "we give up the gun" she said "Oh no, you can't get that gun", I mean there are people that will lament and people that will go to pay, but the point is this that a lot of those people who had them guns from years and years ago if they go now to pay their license the Police Department need to take the gun away.

Another lady I know of found a little revolver in her car or that's a story to pay the license and the Government said, "Oh no, take it away" so I don't think it will help very much with this small fee and I don't see any quibble about the twenty-five dollars. But, I'm both in support what is true and right and I have no strong objections to this bill, I feel that whatever we want we should pay for it; and this Government cannot function on the breeze.

MR. CLAUDE E. HIRST: Mr. Chairman, I can see the Lady Member's views and I feel that guns that are licensed for general license and those that are restricted there should be a variation on the fees in that occasion. But, speaking of the guns that we've seen - quite a few guns have been placed in piano cases, speakers pipes and different things: guns are sawed in all shapes and form now, so distinguishing the guns according to sizes or describing a gun in general is very hard to determine what is a gun now, since even in a pipe there is a gun or even in a walking stick a gun is placed; so it is something that is so versatile and in various forms it can be used, so I see her point, being a lady that stays in her home by herself and she has seen quite a bit of action I would say, I feel like she herself took worried about the matter but it is for Members views that this can be taken into consideration Sir.

MR. T.M. FARRINGTON: Mr. Chairman, I noticed that the shotguns - there were two types of license for shotguns, one was general and one was unrestricted, and there were two different types of fees charged. I know it is for each does now five dollars, does that mean that we'll have a general license or a restricted license?

HON. W.S. ROBERTS: Mr. Chairman, I think the Commissioner of Police places the restrictions when this is to be placed, in otherwords he decides which is to be restricted and which is to be general, but there is one fee that applies generally to all licenses.

MR. JOHN E. JACKSON: Mr. Chairman, on this firearms law I have learned to use a gun from the time I was very very young and I'm among those that carry a ... pennsylvania. On the carrying of guns I realize the concern expressed by the lady Member and my friend others here, but as far as I'm concerned I think that there is one thing that we can say and that is that the present Commissioner of Police is very careful about whom he issues any permits to to carry in guns, but guns are being brought in illegally in the Custom and his own problem to worry about them. But, as far as I'm concerned Mr. Chairman, I feel that as far as we are concerned unless there are undue influences I'm not particularly worried about firearms, I don't think I would be worried if I was owner but there are very dangerous arms being brought in the country, but on the other hand taking all that learns to respect a gun it's something that he loves and he enjoys using as long as he uses it in the right way. And, on the handguns a fee of ten dollars I don't have any feeling about the fees, ten dollars isn't very much money these days you turn it.

Yet, I feel like the lad with a short gun. I know that there are people here in certain parts of this Island that if they don't have a certain penalty they couldn't do very much farming because of the control of rabbits and I know that a state like ours when Government sold their properties to encourage/to keep the rabbit population under control. As far as I'm concerned it doesn't make any different to me on the fees, I think like the Member said, the nice thing about it is that if we do increase the fees we have to watch out for people might not want to create paying taxes on it, and I concur on it and want to have it illegally. I would rather see them all licensed these people -- the Government, the people with responsible positions who and whose guns would be all. I have no say on that, Sir.

MR. CLAUDE W. PITT: Mr. Chairman, I think it duty to the Commissioner of Police who has been doing a very fine job of it, in the licensing of guns, restricted or general I think it would be quite in order. He has done a fine job there are guns that handicapped give a financial interest to and there are people who try to get a license and can't get a license, and the unlicensed is the one that we should worry about or anyone should worry about is the unlicensed gun and what can we do about an unlicensed gun when someone does not go and seek a license for that gun which he has smuggled into the Island or whatever it is, but the Chief of Police has been doing a fine job. I can assure you, I have been to him on many occasions with the renewal of a license and the Police in General have done a good job Sir.

MR. CHAIRMAN: Well, there is no formal motion to amend this clause so I think I shall simply put the question after this debate that clause 2 do stand part of the bill.

QUESTION PUT: CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE FIREARMS ACT.

QUESTION PUT: AGREED. CLAUSE AGREED.

MR. CHAIRMAN: That concludes proceedings in committee on this bill.

HOUSE RESUMED

REPORT RECEIVED

HON. W.G. ROBINSON: Mr. President, I have to report, Sir, that a Bill entitled "The Firearms (Amendment) Law, 1975" was considered clause by clause by a committee of the whole House and passed without amendments. Third reading tomorrow morning.

THE LOAN (CAPITAL PROJECTS) LAW, 1973 (AMENDMENT) BILL, 1975

BILL: The Loan (Capital Projects) Law, 1973 (Amendment) Bill, 1975
INTRODUCTION AND FIRST READING

MOVED BY HON. V.G. JOHNSON, SECONDED BY HON. D.V. TATTERSALL

QUESTION PUT: AGREED. BILL INTRODUCED AND GIVEN FIRST READING

BILL: The Loan (Capital Projects) Law, 1973 (Amendment) Bill, 1975
SECOND READING

MOVED BY HON. V.G. JOHNSON

HON. V. G. JOHNSON: Mr. President and Honourable Members, the Memorandum of Objects and Reasons; the purpose of this amendment law is to increase the sum of the loan from five million dollars to eight million dollars as provided for in section 2 of the recommended amendment law.

Mr. President, recently the Capital Projects were reported to Finance Committee, this was during the month of July and the Finance Committee was appraised of the position then of all the projects. Of all the loan commitments of this Government and at that date the loan was in a sum exceeding the original sum provided for in the Law. As I have mentioned the sum provided for in the Loan (Capital Projects) Law, 1973 is five million dollars, and in the report on the 31st of July the Finance Committee have noted that it was five million six hundred and ninety-five thousand dollars. Mr. President, the reason for the increase was explained to Finance Committee, it was quite evident that the projects which were started in 1973 or thereabouts would actually be implementation and completion cost a sum greater than five million dollars. The five million dollars was provided to finance the four projects; four projects were post, Administration Building, Road Programme and the Airport facilities, as for July three of those projects have been undertaken; Port, Administration Building and the Road Programme. Now final phase of the Airport development was done from local funds and no loan financing did not play any part in that particular phase of the programme.

And, it was anticipated that the loan which this Government would require to finance these three projects, would amount to the sum which I have just mentioned, five million six hundred and ninety-five thousand dollars. So, it was quite obvious then, Mr. President that the Loan Law would need to be amended to cover the additional sum and also to provide the facility for financing the fourth Project when this was undertaken, that is when it was financially possible to undertake the project. It was reported to Finance Committee that the sum which would be requested by the Legislative Assembly to be approved would be an additional three million dollars to make the total sum eight million dollars. Therefore, Mr. President, this amendment law now being introduced is in conform with the report made to the Finance Committee and to the agreement of Finance Committee, for the financing of these projects and for the loan funds to be in a sum not in excess of eight million dollars.

In the Budget address it was stated that the second phase of the Airport development would not be undertaken until the financial position was made clear, and that the money was available to move on with these projects. In fact I doubt very much that this Government would be able to negotiate a loan to undertake the project until we could satisfy the lenders that we were in a position to finance that loan. I think it is probably in the best interest of Government at this stage to ascertain our financial position, complete the projects that are now under implementation and when these have been completed then we move on to tackle other urgent projects. I might very much that in the coming year there will be the capacity to move on with any new projects however there is the need for the Amendment of the Loan (Capital Projects) Law in order to cover the over drawing on the loan and also to provide for future needs.

I therefore recommend this Amendment Law Mr. President, and I hope that Members will find it possible to give their support to the recommendation.

ATTORNEY BY HON. D.V. MYLER

QUESTION PROPOSED. DEBATE ENSUED.

MISS MARIE M. MCDONAGH: Mr. President and members of this House, I rise to support this bill. Now, I remember many years ago a legislator from Bergen Town said, "Any Government that is not in debt is no good". Well, we are good now, we have always been good and we shall continue I hope with God's help to be good.

Now, I am supporting this loan, Mr. President with the distinct understanding that we shall bring — our educational program which we have now started. I am not supporting any loan to start any new projects, we must go step by step, finish what we have started and then we can think otherwise. From the time that the four projects were envisaged I could not say do one at a time, I suppose if we had foolishly one that might have taken the five million dollars, there's no telling; so we have started. We have beautiful Assembly Hall, a wonderful Court House, the only thing in the partition of it is not quite correct, and we have an Annex building come it has glass edge. Well, I'm very proud of all three of those projects, I advocated that we should have a veterans administrative building long before the fire burn, and I'm happy that we have a building which we can be proud of.

Now, the dark tradition, I feel very confident Mr. President, that before my good friend is sworn with this he will have to get a wig, because people are going to [illegible] him to death; and I am suggesting that we must have that dark and it must be dyed in George Town. Up to a few days ago a young opponent I would call him, said to me why don't you follow me and [illegible] advice was put it in Red Bay, I said go and go back what the 1932 Crown Act to Red Bay he would talk otherwise. Now, I am not sure that the mark will be all that we want but it'll be the best that we can do, and everything come survey. I told my good friend when they were talking about a million and a half dollars to do the job that that was impossible, I am still saying it's not going to take any more than six million dollars; while that is a tremendous sum for a poor Commonwealth like ours to appreciate it. No, I still say we are a rich Government, we are rich in quality. We simply have the most today that we have a high standards, and I hope and pray and trust that we'll never get anything other than . What we are that we'll never go down the slope where we shall be willing anything except a good stable Government.

Now, I am going to support this, Mr. President, and I hope and trust that this money will be sufficient to finish the road and the work. Now, I am against my colleagues in this Red Bay diversion of the road, I've told him so and I'm saying so publicly, I want to see the route fulled and properly put in use. Now, I do not know the difference between Hot Mix and Bonded Gravel as to I was told yesterday they suppose I should not mix. I don't know anything about these technical terms, but I will call it the main road, and I want to see that main road finished and it's going to cost money. I do not want then to have it said that we began and were not able to finish; we must count the cost before we start: well, I don't think that we counted the cost altogether, because when all of this was talked about things were most cheaper than they are now labour was less. I'm sure labour was less dearly, but we have built these projects and finished since then, so I support this Law, Mr. President. I am very sure that if we had a better financial solidarity we would have a big fight to get this loan. But through; because he was an economist I do not believe in going into debt and I wouldn't say I should like to be in debt but nevertheless we have to face realities, and since we have not got the money of our own we must make arrangements to borrow that money, and I look and pray and trust I will never come to the time when we have to borrow to pay back borrowed money, we must strive to keep our finances in a reasonably good shape, we must not indulge in luxuries, just get the necessities for the time being; and I say that the projects which we have under way are necessities.

Now, this Airport project, I am sure young to Sedgwick that until funds are available in our vote right and I feel that we must use our discretion but when they [illegible] Ireland too heavily in debt. Afterall, eight million dollars is not much money now a days, you [illegible] talking about thirty-five, forty and fifty million dollars, they'll say

MISS ARCHIE E. BODDEN (CONT'D): ...that's not anything, but that's why I read that a certain Government has to borrow eight hundred million dollars, and that's what I call waste. And we'll never get to that and I hope we'll never find legislators who are so foolish as to try to borrow that kind of money. But, eight million dollars in baby's clothes is what eight thousand pounds use to be. Which, and I support it, Mr. President the Law that we have before us,

Thank you Sir.

MR. CHARLES J. KELLY: Mr. President and Honourable Members, I rise to support this Bill. As some of the Capital Projects have been completed and some have not as yet been established: at the time when these projects were slated it appeared to us that the loan that we were seeking would've been sufficient, but now we find ourselves that the funds that we have achieved cannot complete the job. And since we have started these projects I hope in the seeking of a loan of eight million dollars this will be the ending of some of these projects. Owing to the recession and inflation I am quite aware that the money that was sought for was not able or the money that we sought was not able to carry on these projects to a completion, and Mr. President, I hope again that we will not have to come to this House to ask for a supplementary on these same projects then we are now launched out on.

In regards to what the lady Member mentioned and enquiries at the Airport I agree completely with what she has said, and I feel that it will be foolish for us to go and launch on another project before funds are available and knowing that we can calculate it going two percentile and inflation that the world is faced with. I wholeheartedly support this Bill, and I know the Third Official Member is doing his utmost to let funds go as far as possible in all categories in the development of these Islands.

I thank you Sir.

MR. L. DAVID GOLDEN: Mr. President, Honourable Members, it is expected that I will oppose this Bill. I am one of the strong opponents in 1973 to the Loan Capital Law; my reason for opposing that Law in 1973 was that I felt it was unwise to embark upon four major projects at one time. I said at that time that we were biting off more than we could chew and we are now suffering the pangs of indigestion unqualified being unable to chew what we have bitten off.

In 1973 it was known that we needed to borrow five million dollars, at that time I remember saying that five million dollars would not do all those jobs. The lady Member from George Town made it clear that in her opinion one million or one and a half million dollars could not complete the dock, than we were told all these things: they were putting the dock in George Town because it would only cost one and a half million dollars. The reason why we were told it would only cost one and a half million dollars was because they wanted to put it in George Town, and I also remember saying that when we want to get the thin edge of the wedge in we ask for a small sum of money. I feel certain that if in 1973 a Bill had been presented to borrow eight million dollars this Assembly would not have approved it, but we were only asked to borrow five million dollars knowing full well that after the lapse of a few months or a few years an amendment could be put forward, and because the money was asked for in stages the Assembly would approve. I also remember pointing out in 1973 that if we borrowed this amount of money we would have to pay it back, we would have to pay a lot of interest on it; it relieves those that we are now asking this Assembly to incur further debt charges to increase a loan which will now be increased by sixty percent, if this is the costing that is given to us by experts, and if they are so far out in their estimates is it no wonder this Government is always in trouble.

When such people are underestimated by such a vast sum of money I feel that we must to look somewhere for our expertise, what if it is brought the first graduate in the school. I wonder if all Members realise the public debt charges we are now faced with as set out on page 2 of the Budget. This year, reading about 1978, we have public debt charges which the interest alone is five hundred and two thousand nine hundred and forty-two dollars; the interest alone which we will pay out

MR. G. RAM BROTHERHOOD: Of the increment expenditure this year if over half a million dollars, when that is added to sinking fund, repayment and other expenditure dictated by law we have a figure of six hundred and eighty-five thousand six hundred and three dollars, this figure may in excess of half a million dollars will cover interest and other repayments. The point I'm making is that at the present time we're paying a half million dollars per year in interest alone, and yet Government has the nerve to ask for more loan, I'm conscious of the fact that there can no be free ride for very long, if you get on the bus you have to pay, what then is the answer? The answer would be not to get on at all often we are trying to get you why don't/take these projects one at a time, complete them, have a breathing space and then go on to some more.

In 1972 we committed ourselves to four major projects, the completion of one is in sight, however even for that one God only knows when we will finish paying for it, the other three are just in the beginning stages. And, as this were not enough we have again in the Estimates Overall Chamber about three million dollar projects, we hear about a water system, we hear about another capital project plans these are not unknown on the street these are facts, the budget speech mentioned that we must now look at a new plan since we have about completed our five year plan. In this budget this Assembly, in the Finance Committee has approved a token vote for the water system, in other words Government could go ahead tomorrow and start that project, they don't have to come back to us it is here already approved - the exact par is in two dollars for the water system, a million dollar project. This token vote is a peaceful thing, it is only a matter of getting the thing wrong in one other opinion or everything. We have in this House too many token votes, we also heard a number speak this morning about big token deductions and now we come to a bill that is a token loan, because that is all it was in 1973 when Government asked for five million dollars; Government knew full well or they should've known considering the money they paid for consultation fees, they should've known that five million dollars would not do these projects, this five million dollars was meant to do the job, today we are asked to approve three million dollars more, but watches will this three million dollars do the job? We only have to look at the figures we already have and you will see that eight million dollars cannot complete this job.

The Administrative building cost one point seven million dollars, in the Throne Speech we were told that when we have the dock properly completed with all its auxiliary functions it will cost four point six million dollars. We have the road on the way and that has already cost one point three million dollars for the first eight miles, and if we can calculate the two. Figure using what was spent on the first eight miles lasting and the materials already bought for further construction. Having got the equipment already bought that will be used it will probably take another two million dollars to complete the next twenty miles. The Airport project has not really gotten on the way, and yet that has cost nearly a quarter of a million dollars. And, I might add that yesterday the Member asked to hide by verbal gymnastics the true cost of the little shed and the cistern but some Members were able to find out the information and we know that that is point two million dollars which makes a total of nine point eight, nearly ten million dollars; and if the rest of the Airport terminal for which we have no projected figures conform in the same proportion the terminal building cannot cost less than five million dollars. Mr. Deputy Speaker in 1973 We were asked to approve a loan of five million dollars, it now appears to me that we will need fifteen million dollars some Member hoped that the loan which we are asked to approved will complete the job and that we will not be asked to approved further loans, but one look at the buildings will show that we will have to be asked if we are to complete these jobs.

We have a single projected figure for the lack of four point six million dollars, this is equal to the total loan which we approved in 1973; five million, and one of the four projects mentioned four point six million dollars. We want to make it clear that something is wrong, either our Government is being ill-advised by the experts the Government is paying or the Government is not telling us the truth, one

Mr. S. Rankine: [illegible] or the other is so. We know there can be and there will be cost-overruns on projected figures, but these should not be this enormous. In looking at the four projects that we have been asked to approve this morning for one can easily see that with a little bit of care a million dollars could be saved, and the persons wouldn't have to be versed in engineering and in finance to do it. If money has ever been wasted on Government projects anywhere it has been wasted in the four projects which we have examined here.

During the Budget address or the Budget debate I made some remarks to show that Public Works has wasted a lot of money on the roads; if the roads had been given to private contractors they would've been finished long ago but for less money than the total cost will be. At the present moment Government is still continuing to waste money, I described how they had moved about like a fowl picking up corn. In working on the roads, I described how they went down to West Bay and up to the Birchcroft road and then up to the Bodden Town road, and now down to George Town and West. They have been hopping all over town; for example, we just completed Shedden Road to the intersection of Church Street and rather than going north on Church Street they had to go down to Galworthy's super stores and work south on Church Street just because they would have to move the equipment, just because that would take one day but which many people would be employed and no work would be done. What is the difference of doing that little stretch of road if they had gone down from the corner of Hutson's store to the grave yard.

They have planned diversions in the road which are not necessary, and although some words of wisdom have been spoken in this Assembly against those diversions I understand that it is the intention of the Public Works Department to pursue their course of building the canal in Red Bay and passing it off as a road here we have a swamp that is under many feet of water and Government continues to build the road upon it for no reason at all with the exception of taking out one curve in the road - and taking out this curve does not improve the road at all; since the way it's being done will put two bigger curves than it had originally because where it only had one "S" shaped curve it'll now have two "S" shaped curves. Everywhere we turn we see lousy work on the roads, rocks are brought in Red Bay and stacked all in North Side to do the West Bay road, every time I look around the Public Works trucks are hauling from one place to the other moving rock. That has been stuck. Silly, this is no joke Mr. President, this is actually happening and has happened many times. I know the Member from North Side being a truthful man can only answer to what I'm saying, he can verify what I'm saying, and money is being wasted, so it is no wonder that the five million dollars couldn't do the job, and I know that eight million dollars will not do it unless somebody with authority puts his foot down and say you do this or else. People are left alone to carry out where plan and survey, to take the advice of consultants who have never seen this Island, or take the advice of experts who might be quite expert in their own field but know nothing about the Cayman Islands.

We regret in this Chamber about the money expended on the clock tower and how expensive the furniture was, and I will tell you this, and this is no untruth. In January or last year I had occasion to purchase some furniture and checked all the prices in town and how fine there is now selling the most expensive furniture to Government stacked at that time the least expensive furniture in the Island; so the money is gone and I don't know where it has gone, but money is being spent, money is being wasted. We heard about the astronomical figure to build one little warehouse, one little hurricane hole prefabricated warehouse whose cubic capacity is not enough to hold one 8 ton load of freight; now mark you this building hundreds of thousands of dollars of public money is being wasted, public money is being illspent on these projects and nobody seems to stop the rise.

We spent part of the day either our first adviser or somebody else is with [illegible] such a job which shouldn't cost just a little over one million dollars is now five times as much; something has happened, somebody's pocket must be too high or some engineer must be too fool because we were given figures in 1972 which [illegible] out of all

MR. G. ERIC BARRON/COURT 3: ...proportions today, and we are now asked not merely to increase this item but to increase it out of all proportion. The original figure in the bill was five million dollars, and if they had even slapped a fifty percent we could tolerate it, but fifty percent would only have been seven point five million dollars and we are asked for a blue sky figure of eight million dollars. My suggestion would be that we do not approve this item; that we stop the work where it is and let us have a breathing space, and when we have used up the money we have on other projects and complete it. You see if we had not made the error of supporting this 1972 bill we would not be in the dilemma that we are in today, and we would not be scurrying around slapping twelve hundred percent increases on some items and six hundred and sixty-six and two thirds percent on many items, and nothing short of a hundred percent on any item in an effort to balance our budget and to pay the heavy debt charges and interest that have been incurred and not only have we done that but we have changed our whole way of life.

In the meantime, Secretary's eleven years of presenting a budget to Ottawa we have never had such difficulties, but the difficulties are only beginning because while this year we are struggling to pay a half million dollars in interest we are now asking for an increased loan which will run up our interest charges by another quarter of a million dollars. In fact if we have to pay eight and a half percent I believe our interest charges will increase by more than a quarter of a million dollars next year, so what we are doing is saddling generations yet unborn with bill slungs around their necks, with debt charges against their pocket books and we are talking about conserving the environment for future generations when they won't be here to enjoy it. It is time that Government slow down a bit on its spending, it is time that these projects are needed and it is maybe time that many more things are wanted, but there is a limit to what revenue can be generated in these Islands. We have about exhausted every resource we have for generating revenue, there's only three more avenues left and they are income tax, property tax and retail sales, and if our borrowing continues we will have to resort one or three in the very near future because it is not just a matter of paying out a half a million dollars in interest, the capital itself must be repaid one day and when the day of reckoning comes you won't see any figures like sinking funds of eight thousand dollars in your budget as we see this year, you won't see only repayment of seventy-eight thousand dollars, you'll going to see much larger figures, because this eight million dollars which we have borrowed and which we are in the process of borrowing will have to be repaid sooner or later, and the people of these Islands will have to pay.

Mr. Speaker, I must oppose this Bill because I believe that this is truly a token bill; this amendment is a token amendment, three million dollars cannot complete these projects if we continue to spend and if we continue to waste money as we have been doing. And, I know that this amendment will go into Law, it's positive of that, I know of the built in guarantees which make it possible, I know of the strength of our collective responsibility and I know of the feelings of these Hons. and I believe that this amendment will go into Law but I would be put on the record that at least I stood against this Bill.

MR. PRESIDENT: I think this might be a reasonable time to suspend proceedings. We'll resume again at 2:30 p.m. this afternoon.

HOUSE RESUMED
HOUSE RESUMED

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Debate continues on the second reading of the Loan (Capital Projects) Law, 1972 (Amendment) Law, 1975.

MR. JOHN D. CUTHBERT: Mr. President and Honourable Members I rise to speak to the Loan (Capital Projects) Law, 1972 (Amendment) Law 1975. A lot has been said and a lot, Mr. President will still be said in relation to the Loan (Capital Projects). We find that is a Bill before us today to

MR. JOHN D. JEFFERSON: (CONT'D): increase that expenditure from five million dollars to an expenditure covering eight million dollars. I will no doubt repeat myself but I remember several years ago when this Government was trying to sort out their priorities, and the frustration at the end of every year when our own people were crying for more roads, better medical facilities, better educational facilities and system; the cry was ducks, what have you. I remember, Mr. Speaker, the frustration that plagued the Finance Committee from year - the fact that all of us felt we were trying to properly represent the people in which we were elected, and then it became that in return we were getting so little to be able to take back to them.

I remember after the rainy season in my own district that the pot holes in the roads were a serious problem, the condition of the roads was deplorable. I remember when we yearned for better medical facilities, I remember when we yearned for the Cayman High School for better facilities and improved educational programme. I remember the thoughts like sometimes cross our minds in relation to the port project, and eventually thank God, with God's help the Government of the Cayman Islands got down to sort out their priorities and said, this must be number one and this must be number two and so down the line. We embarked on five years of Capital Projects of which most of those projects today have been completed.

I feel, Mr. President, that never will any of us stand in this Chamber and say that we are satisfied with all that has been done, because I think it is human nature that we want more and more and more and I feel that we in this Chamber realize that nothing is too good for the people of this territory. We feel that if there is ever a time that we must see that our children are educated it is now, we must see that the standard of local services is at its highest - that's now. I am not prepared, Mr. President, to wait any longer, and I haven't been perturbed to wait any longer; we must continue to see an acceleration in the standards of our medical services. We must continue to see an acceleration in the standard of our educational system, we must continue to see in our Islands Government in the driver's seat encouragement of the private sector that Government knows what they want, and Government knows where they are going. I sit in this Chamber so many times and I wonder if all the things I heard said about the Cayman Islands Government, whether it's the Government that I know or whether it's a foreign Government to me. I know that all of us are not satisfied with all. For things that we see, we aren't getting all that we would like; I believe that we will continue to fight and disagree as always, we'll never be able to see eye to eye on everything - may be that's good for the country, and Mr. President I too will say this that I believe that if all of us sat down and say everything is fine, only by so many people, and we'll still have no complacent that we'll not be able to get all the things done for our people that we feel needs to be done.

And, while I would stand here in this Chamber and disagree with Members I would give my life to defend their rights, to be able to disagree however it is a democracy, this country is a country of the people, for the people, by the people, and, Mr. President, make no mistake about that I would give my life to defend, I would give my life to defend that system of Government. And, I feel really humbly proud to be associated in a part of the Cayman Islands Government; I feel we have had a boom in known years and we have gotten a lot out of the boom. This year things have spelled doom, this year a world recession has swept the entire world, not only the Cayman Islands, and I spoke to a fellow yesterday, and I said, when I hear people making such stupid statements that the plan killed the Cayman Islands, it is absurd nonsense, and I don't believe sensible people fully believe that. What has killed New York City? What has killed so many other countries, so many other companies? What is the financial problems in other countries today? Why is it that the United Kingdom is in a bad recession financial y? Why is it that the highest unemployment rates in the United States ever in history of that country, we've experienced this year. When we look around the Caribbean and see the bankruptcy of other countries throughout the caribbean we ought to thank Almighty God that we are as fortunate as we are.

I don' say we ought to put people on their shoulders and say, everything is going great in the Cayman Islands Government

MR. JOHN D. LEVENDUSKY (CONT'D): because that's not good for them, but I do believe the Government needs a little bit of credit sometimes. My wife believes, Norman be when honour be due, and I think we deserve to give our Government a little bit of credit. I believe if we just stood back and, and looked to all the statements made about experts - when we look in the supermarkets we find experts, when we look in the construction field we find experts, but I wonder what Government would be like if Government wasn't able to live up to its responsibility; if Government was not able to put the expertise that they need - I see vacancies and what have you in this country, a lot of vacuums, I don't know what we would expect from our own Government, would we want it so that the private sector will be laughing at us? I will say this, I think administratively it's a lot of areas in/and there needs to be a lot of improvements.

I believe we better stop and look carefully and make sure we are doing anything now at this stage, it may be could wait until the financial situation is cleaned up. But, Mr. President the question that I would like to pose and the question I would try to answer myself is what would have happened in these Islands if Government hadn't started on the port project in 1975, or if Government hadn't constructed building the Cayman Island High School, if Government didn't have the road programme going, I wonder what would have happened in 1975. Have we started any projects that we haven't been saving for for years?

Mr. President, I remember the late General and later President Eisenhower who once said that we should not be mortgaging future that our grandchildren are going to have to pay, and I believe in that. But, Mr. President when you realize that the debt of the Cayman Islands Government - I bet that there are companies in this island, and probably could be local companies, I bet there are companies in these Islands that have borrowed more money than this Government is in debt, and especially when we think of the cost for capital. I would wish that we were not in debt at all, and every Budget session I am reminded by the Lady Member from Town that always talks about us being scared and being watchful that we are not going to be grandstanded one of these days, and I appreciate that, Mr. President. I can appreciate all the expressions that would help us to put on our thinking caps to realize that while we are spending money we'd better make sure that the money we're spending is money right as vital to the maintenance and the possibilities of our prosperity of our people. But Mr. President I don't know of any projects that this Government has embarked upon that is not essential, that is not necessary if we believe that our people deserve the very best - Now, it's good to stand up here and say that it is wrong, it's good to stand up here and object, it's good to stand up here and cast the gloom that so many Prophets have of prophecy those days - the prophets of doom everything is wrong and everything is going to be worse, God's people that the day is not going to get better as far as the world conditions are concerned. We know that we are living in a dispensation when things are going to get worse, but I believe if we are humble and if we humble God, and if we seek His guidance that God will help us in this having times, I believe what we need to portray now is confidence, I believe what we need to portray now more than anything else is leadership. Mr. President, we need to stay close enough to the people to know what they want, but as leaders we need to ask God to help us to provide the leadership to which we feel this country needs in these trying days.

I am against excessive spending, and before I knew and vote for this amount of money - vote my vote, I want to be sure. And I going to say that again, I want to be assured that since I am a politician, and every politician in this country is charged with the responsibility of knowing where this country is, I want to be assured as much as possible that there is nothing hid behind the doors from the twelve elected Members in this Chamber. If the condition is such I want to know it is such, you don't have to tell me that there is a lot of uncertainty. I know that Mr. President; but I say that this is not a time of indecisiveness this is a time of decision, this is the time for leadership. We look around Mr. President, in the five years we see the Legislative Chamber here - and

MR. JOHN D. CROSBY: (CONT'D) this was a White elephant, this was money that was illspent and shouldn't have been spent and wasted; but when it was built everybody climbed on the band wagon and now it was money well spent, and everybody that visits here even from the United Kingdom says it's a Chamber that any country in the world could be proud of.

We have our faults, and we believe in the separation of the Judicial branch; we support law and order, and shouldn't we serve notice to the world that we do - and even Jamaica we don't have many projects - shouldn't our projects be good, and then we read that the Administrative Building burned down, and outside the records that were lost - I am glad it was, because we wouldn't be in it today if it hadn't burned down. Yes, when it did we were paying a tremendous amount of money for rent housing the various Government departments scattered all over the place; if it was a private building by the private sector everybody would be proud - it is something to be proud of, because Government has built it jointly, Kingsley - we disagree with the thought for which it was built. And it was built to give our civil servants a sense of pride and dignity and to enable them to live, that their jobs were as respectable as anybody in the private sector, and that they deserve the best that could be provided by this Government. I don't have my figures that, we have spent a lot of money - a lot was said about furniture, I don't know all the story, I know that a tremendous amount of money was spent on a building, but it's built. And the money is spent, and we are now enjoying the facility that has been provided by this Government.

I remember when the policy was changed by this Government that we do a little bit more, and at the end of the year what money was left we allocate that and add that up to the next year's budget and we do something else; incidentally, at the speed in which we were going we would never get through. You'll find in the private sector many a person has a agency left home and went overseas for a minimum of one year, has saved his money, supported his family and come back, started his house and probably in two years he was able to complete it. What are you doing today, Mr. President? Three days a man was probably forty, fifty years old before he was able to live in his own house what he has done today, he has bought them duck's that he has bought; he has gone to the bank, he has negotiated a loan, he has built a home for his family and probably he will be the rest of his life paying for it, but at least he has the facility. That's the trend, that's the way we live today; I am not saying that it is the soundest but I am saying that I would rather go through my life enjoying amenities and paying for them as apposed to life trying to get something and never achieve it, and when I did get I wouldn't appreciate it.

We have gone, we have ventured out, we have started on a project, we have said these are our priorities we are going to build these, and all of a sudden the world recession caught on and everybody is saying wolf, wolf. Well, we are entitled to our opinions, we are entitled to voice our objections, but I am saying it's not all that bad. I am saying that what we want to make sure of is that it never goes bad if possible in these islands, that the standard of living to which our people have built themselves up to these years is not lost and that we don't gamble it's the day with toy toys, toys of that we have not for somebody's pipe dream that has happened so many times in the past. What bothers me these days when we are spending so much money to provide the services for our people - there is never no effort being made to curb the tablet and eventually one of these days if we are not careful we might build our people up to a point where we can't control them, and all that we have built and all that we have enjoyed and all that we have built up these years could be lost, it has been lost in other places. It's good to be nationalistic - I am loyal to my Government, I'm loyal to my people, but when I look around and see what other people have gotten their nationalistic spirit I think I'd like to be in the mix myself a little bit. The policy my father brought me up under, he said, "By who can be my will live to fight another day".

We find here Mr. President, we are dealing with Capital Projects of eight million dollars; the original idea was five million dollars. Well, lets be honest about it, Mr. President, here still

MR. JOHN D. [illegible] (Conn.): ourselves that Government has no control over cost escalations, inflation or what have you. Lets tell ourselves that the cost on Government projects increase just like they do in private projects. You have agreed and see the quantity of people today that are drawing five thousand/week - I don't have one, I don't feel like I can afford one; I don't want to stick my neck out quite that far to get one, but those that do, it's nothing wrong with that, a man ought to be able to get what he wants. So, what I'm saying is, Mr. President, we have to realize what is foolish money spent and what is money that is being spent on the amenities and the necessities for the people at these places. I am not an expert, I have to be led, I have to depend on the expertise of somebody, I've got to trust somebody, I've got to have that some knowledge that I need is supplied to me - well, I think that is where the Government is.

Certainly there is a lot we can say, the Airport project, the Dock project - and that dock, before we started building the roads if you want - and I'm sure Mr. President nobody knows any better than you, and I'm sure the other predecessors could testify regardless of what kind of meeting you had there was a demand for roads, now since we are on the job of building your roads, they say where do you need to spend that money on roads Sir. Well, all we've got to do is make sure we are not wasting it, make sure it's spent on the necessities for the comforts and the needs of the people because if it is done good when it's done everybody is going to say it's a good job. But, in this year of recession when some people are out of jobs, money isn't floating around as freely as it used to, it's expected, the people are going to be somewhat disgruntled, but I believe it's now at this stage we need to lead our people, we have to tell them the truth, we need to help them to realize that we are in a recession not by ourselves, not by our own making of our own doing, but this is a world recession. We realize that a man that starts to build his house last year before he is finished he had one bid that the cost had risen; if the contractor told him it would cost ten thousand dollars he finally wound up building it for fifteen or thirteen; well, I am saying this, don't misunderstand me, I am saying that make sure that we are not swallowing everything that everybody is telling us, let's do our best to make sure that this policy that we can go in the best possible for the Government.

But, on the other hand when we come to the time to make decisions lets make it in the interest of the country; and if when we are proven wrong afterwards, Mr. President As you going to take action there is no question about that, we are only human beings but when we make those decisions at the current condition of the economy of the country as a whole it later we find we made a wrong decision at least we can rest our minds to feel that we did the best possible. And, I can say this, that when we do our best efforts can't do any better.

On this eight million dollar project, to complete these capital projects I feel that we need - as we borrow the money, whether it's borrowed in a lump sum or whether it's done in various stages that our eyes and our minds are open and alert that we are studying the financial climate, we are watching the revenue that's coming into this country, we are doing everything possible to make sure that we don't [illegible] short; and if things got worse than it all until we are able to alpha it out and improve our financial position, because I'll rather have half of a loaf and no loaf at all. I have a lot of faith in the ability, in the integrity of our elected officials whether I place a lot of confidence in what he says, I believe that he'll do everything possible to make sure that we don't get caught short; but I want to say again lets reexamine the financial climate as we go along; and I'd rather have half a loaf [illegible] no loaf at all.

According to the conditions in the world the American country apparently is on the way up, conditions are getting somewhat better; but some people tell us in that country that the politicians weren't what the people to know exactly the position of the country, well, I don't think that is my country, if so is good I want to make the people know it's good if isn't not I want to make them aware in the uncertainty. I heard someone say last night, you know what Government does, it borrows the money and takes it out of circulation so that the local people couldn't

DR. JOHN D. JEFFERSON (Hon'd): borrow money from the various local banks. Well, I felt Mr. President in listening to those people and all that's right so that we can't make a greater contribution to them as people I believe I would say that.

The Financial Secretary clearly said on the 28th day that in borrowing this money from the private banks that that point was stressed, we do not want any money that's going to be long/locally to the local business. Well, who do we accept? I have no reason but to accept that what the Financial Secretary said was facts. I believe, Mr. President, we have embarked on this programme, it is unfortunate for the people, our people deserve the best; we are going to undertake every mission possible, try to make every endeavour that we are not caught short, but if we are we are all going to be in the same boat and we all are going to avoid it that must and make it work. In a country like ours when our economy depends on tourism and off shore business one can never be sure of what the financial position will be; we have nothing else to back up our economy with, and the greatest concern, the greatest asset that we have in these Islands is our people, hospitality, good will and a stable Government. I am sure that there are millions that wished they had inherited what we have today.

Thank you very much.

MR. PRESIDENT. Does anyone else wish to speak on this motion?

HON. A.L. SNEN: Mr. President and Honourable Members, I thought that we had got through debating the Budget Speech and I never thought that the bill which is before us, the Loan (Capital Projects) Law would have provoked revival of this debate which we experienced these past weeks. I see it has, and I am surprised, I didn't expect that I would have to speak on it but I have been forced to speak to make clear to this House some of the irresponsible statements that were made by Members.

First Mr. President and Members, I want to thank my two colleagues over there who so ably put forward their views on this bill and who supported it so wholeheartedly. I don't believe I have ever heard the Leader of the Opposition so terribly tongue tied in his comments on this bill, and I believe that is because it is the bill that it is; that supports what we and the Government fighting for ever since we got into politics for the amenities I would say of the Island; and as we have often said, together we wanted to see something happen in the Island during our time, we didn't want to wait for a hundred years for the Island to develop, and I can truly say that since we have been in politics together the Island has developed at a very fast pace satisfactory to us but I believe many more.

The four big projects as mentioned earlier on which this bill is for; no one I don't believe can say that they are not needed in the Island. We have seen one of those projects completed and the others are on the way. We heard such statements as they should be stopped now and we should have a breathing space. I wonder if anybody in their right mind could really seek to have made such a statement, to say we could stop the dock project which we going on; I wonder if the Members who made such a statement realize the cost it would be to Government to abandon that project at this time. Our roads projects, would they want that abandoned and the development laying idle doing nothing cautious, deteriorating. I wonder some time what kind of a place it would be if certain of us had their say. On the one hand we hear the cry for more and better services, on the other hand you hear we don't want to spend the money on it; how are you going to get it, do you expect that someone is just going to give it to you as a gift? We do have or did have up the past some of this but all of that today has gone.

Much has been said about the dock project and whether it is financial. I wonder if Members realize, as I have said many times here to Members that the dock is being built in Cayman Town because it was impossible for Government to finance a dock anywhere else. And, I would like just to take a little time to bring out to this House - and I hope the gallery as well will listen in to it and take it out and

MRVL. A.S. EBSA (Continued): ...try to elucidate it as well and do a good job as they did in opposition as Government. When I became a Member for Communications and Works in the Government after the '67 election, going through the files I noticed where Government under technical assistance from the British Government had gone for consultants to be appointed to examine various sites in the Island to determine just where a deep harbour should be built. This was done, a firm was appointed to do this and I think they examined four sites: Bluff near George Town, West Bay, Prospect and the Great Sound. These consultants recommended to Government that Prospect should be the site, failing this George Town should be the site. It was estimated according to the files I have seen that the facility at that time, which I think most people termed a deep water harbour, but I must tell you I still didn't see how they were going to get a deep water harbour with the depth of water that I've seen purposedly, and, they estimated the cost of something like three million dollars, but this was looked by the Caribbean Development Bank which they had expected to get the money from to build this facility. They thought it was an under estimate of it, and so they decided that the best way to get the true estimate of this because it was a considerable amount of dredging that had to be done was to put it out for tender, tender out dredging because this was a big factor in the cost. So, this was put into and several dredging companies bid on it, and according to what I have seen in the files the lowest tender was something like five million dollars for the dredging alone and no certain modifications of the facility; the highest one was way over eleven million dollars.

Now, this was for a channel some hundred feet wide and nineteen feet deep. This was the required depth of water. With a modification to that was seventeen feet draught by two hundred and fifty feet channel, and this is why I'm saying I don't see how you could called it a deep water harbour with such a shallow draught only so ship is on what like that draging more than fifteen feet of water would have undertaken or have gone into this channel. This was flatly refused by the Caribbean Development Bank, it decided it would have nothing to do with a project like this and recommended that they would consider a project in George Town contributing to a project in George Town. Now, when I saw this on the files it was just up my line I must tell you quite honest because I have always believed and I had the strong supporter, the Lady Member from George Town, we always felt that why that the facility should be in George Town. We knew in a sense that it couldn't be a deep water harbour because nature seemed it was opposed to anything, but I have always said that outside of Georgetown there only proper place to put a port was in the Great Sound, and I knew from the very start that this was impossible because the estimated cost at that time was something like twenty-five million dollars; and while I am here in the Great Sound let me say I still believe that in generations to come, may be I'll posterity for this that the George Town and this deep water harbour will be sited down by generations to come in the Great Sound. I don't know whether you have all looked on it as I have, but I have looked at it and imagined how beautiful a place you could have in the Main Sound, what a lovely city could be built on the shores.

So, after seeing this I put the matter to Government that we should consider building our dock facility in George Town; we can have agreement from Government on this, we applied to the Caribbean Development Bank and they said yes, we will consider, we will loan you one million US dollars. Now, this was in 1972 and I said, well I don't think one million CI dollars would put anything a million US. But, we had the good engineer from the bank come down here and he brought several plans with him, plans which I really didn't agree with and which I urged Government not to accept. We finally agreed on a plan and we decided we would apply consultants to make a preliminary drawing of this plan for the dock in George Town for submission to the Caribbean Development Bank; the Caribbean Development Bank said, or will loan you one million dollars US. I contended no I said, it was not anywhere near enough to train dock. But the engineers of the Caribbean Development Bank told me, you know we got to put these restrictions on because we know it was a big facility. We know this, but we have to put these restrictions on in the initial stages because if you leave the consultants a free they will put you into a fabulous amount for a facility. But, when we get the drawing and get the costing we will subsequently a later amount to put that you can move your dock, so we felt

HON. A.R. SUSH:(CONT'D): along with this. When the preliminary drawing was made everybody thought it was a wonderful thing, but it wasn't altogether to my taste but I accepted it because I realized that this is about all we were going to be able to do with the finances we could get from by. So the preliminary drawing was made and was approved and it came down then to whom we had to advertise for consultants for the final drawing. I must remind Members that this in the preliminary stages is under technical assistance from the British Government.

Well, when the final drawings were made it was discovered that we were going to require more than the million dollars that had been promised to us from the Bank and the Bank after carefully looking into this decided that they would let us have $182.2 million; this was after many months of consultation, after many increases in prices of material and labour and everything else, so this is what we are receiving from the Bank to build this facility. We realized that we would have to put in some of our own money, the bank would not let us have it all; but what I should say in reply to the allegations that were made that Government was deceived by their consultants, by their experts, the Government itself knew that the money which they had asked this House for to approved, five million dollars could not do the four capital projects. I will say that it could've done the capital projects that we embarked on had they been done the year in which they were thought of, but with a sudden everything seemed to have gone sky high and so we had to find some money. We anticipated for the Administration Building a million and a half dollars, our roads would cost something like a million and a half dollars, our dock was to cost something like a million and a half dollars, and we figured on having a half million dollars over to start our terminal building; this was when the five million dollars were borrowed, this was how things looked then and it looked as if we could get the projects that we wanted for this amount of money. It no one foreseen us on this, it was as the prices were then but as you all know when the final count came up we everything escalated along with it and that is what caused. I believe the big exception. And, so to say today that we could abandon any of these projects that we are on is a most irresponsible statement to be made by any Member on the outside machine one from the inside, because no one can say but what they are vital to this island. I don't see how any such thought could ever fin anyone's mind to do such a thing.

The next programme, I think I should again try to explain why the Public Works was chosen to do these roads. Much has been said about putting projects out for tender, we, we didn't altogether put out the road projects for tender but we sought figures, prices from contractors on these roads and after extensive known figures we decided, well, if we have to put our roads out on contract we will never get the roads we want. We encouraged the Public Works Department to undertake this work, and regardless of what may be said about that Department it has proven in the past, how efficient. Members have read the public complain of the idleness in it, of the waste of money, they do work far cheaper than any contractor; this has been proven to the hospital in certain cases, not on the excavation, this was too big for them to undertake. On the school we saved a lot of money by having the Public Works Department do the work, and the same will be said of the roads because had we put the roads out on contract they would have been stupid now I can assure you, because you would not have the money to continue them because the cost of pittypat alone went up more than a hundred percent, and this was one of the big factors in the cost of the roads, even today we are still within the estimates of being proportionately the cost of the roads at that time. Engineers are saying, and I know they have said that it will cost something like five million dollars to do the roads alone; we are going to do the roads further we have like two million dollars and when they are completed Members here will realize that you will have saved more than half a million dollars by having the Public Works do them because the figures that were quoted to us by contractors for the grading alone of the two miles roughly was the roads not the shaping of the roads, the filling of the pot holes and ah culverts and everything else was far more than we are going to spend on the entire project of buying our equipment and everything else. So let's hope that Members will take this and try to digest it and realize that this Government is going to save a lot of money

Hon. A.P. Sainz (cont'd): by using its own Department, the Public Works Department to do our roads. And, even though you may think they are wasting a lot of money they are actually saving money for the Island. And one good thing about it the money is going right here in the Island, it's not been taken out, there are no profits built in this is why we have, and again why we bought our own plant and insisted that we would go on this way was because we knew there would always be work. But anyway, we'll never help, how nice it is to drive on the good roads today instead of having to watch so carefully that you didn't go in a rut. It is a shame what Members criticize the Department that is really going to mean so much in making us ride nicely on our roads.

I know and I can't understand how the Lady Member will be led by this, because I said it's only a supposition as well the diversion in Red Bay a Canal. A canal is a different thing altogether from a road as I know, but if you call it a canal we're certainly going to put a road through it and it's more that when that piece of road is finished that you'd going to be proud of that, and those two Members from the Western districts that criticised it so are not going to want to ride on anything else. Because it's such bad we followed that old track of this road - I want you when you are going home tonight to just look at it on your way up. I drove it Sunday afternoon - and it really looks to us as to just where we were going by going in this round about way, think of the canal, the canal as you called it, the time that that's going to save is you getting home, and the safety that's going to be to the people travelling on that road; surely the safety of people shouldn't be measured in dollars. But, I'm sure we'd've paid if we had to follow that old track times would've been far more critisisms on following the old track than on going across this canal as it is called.

Now, I certainly agree with Members and I think this is the view of Government that we will not undertake anymore big projects until what we have on hand are now allowed; I agree with this and I believe every Member on Government agrees with this, but let us not by saying this forget that there is another big project that needs to be done, and that is the Airport because this is most vital to us. We have had in the past the experience of having wiring in a building, forgetting the issue on it, overloading it with all sorts of electrical equipment until it exploded; this I speak of the old Administration building, it wasn't built for us, so is the Terminal Building at our Airport. Let us not forget that this is very badly needed, let us not forget that the same thing that happened to the old Administration building could happen to this particular building, but of hope of course it doesn't happen until we are able to at least get started on a new Terminal building. I think those of you who have gone there recently will notice that there have been some improvements in the old building, we are trying to keep this in as good a shape as possible in order to make it presentable to the visitors that come to our shores, but make no mistake, this is needed as well as any of the projects we are at.

I believe some mention was made of the cost which they might expect this building to cost - the cost of this building, should I say. The Government wouldn't expect to spend more than two million dollars on a Terminal Building; we have had no idea of what it should be like and an estimated cost of this amount has been arrived at, and I only wish today that we could put the building, the sketch of which I have seen and I am hoping that within the next ten or three years that this will be done. You talked about the Government being hard pressed for money, everybody can use money, everybody wants extra money, but I have said it before and I'll say it again, and I have said it in all of my campaigns for election that I am interested if money is spent by the Government to provide the necessities for the Island and its people. I don't want to know that the Treasury has millions of dollars lying down in it but the Island is in dire poverty, it's need for something, I wouldn't want it to happen. It may not happen - individuals borrow money, as much is we hear talking about Government borrowing money, this is the first time I believe that Government has embarked on such expenditure as they have, but surely if it had been thinking otherwise it would have provided in the past some of the things which we as a country need today and they might not have cost as very much. But it is because I suppose of opposition in this House or in Cayman before that way this might have been

MR. A.B. SIMMONDS: the reason why Government did not embark on any such projects, because everyone was opposed to Government going in a little debt in order to provide something for the Island. But, I must say that I have always been an advocate of something happening in my time and not waiting a hundred years from now for something to happen.

The projects we have embarked on are of vital importance to the Island, and I believe every Member here should give their cooperation and should be grateful to Government for having the foresight to try to provide these things for our Island. It is something to be proud of and we are the once here, the People's House who should be most proud of it and who should try to encourage the public to give their support to these projects which Government has embarked on and not throw out things that will injure them against them they are all badly needed and money in my mind couldn't be spent in a better way.

Thank you Mr. President.

MR. W.W. DURRANT: Mr. President and Members, I didn't anticipate that we would be repeating our debate on the state of the nation of the Budget Speech, but I suppose that it can be considered that this Bill is very close to the financial and this is why it has come under so much fire recently. This Bill is a Bill designed to increase the Limit which allows the Government to borrow money, and I can see good reason for this, I think this is solid reason. At the time when the Law was passed to allow the Financial Secretary to enter into an agreement with company or with banks or with Governments for a sum of money to finance projects the cost at that time was not half as much as it is today, and it is only common sense that if costs have increased that it would be necessary to find additional funds; this I think is a normal practice. It may open on a bank, one may the project of building a house and the cost of the house is estimated for thirty thousand dollars, and in the end the house is going to cost forty thousand dollars, ten thousand dollars have to be found some place and it is only reasonable that the person will go back to the bank and say, well, look this thing is costing me more can you extend my loan, and if that particular banker is not prepared to do so then one would probably a second mortgagee to do just that, and this is what this Bill is about. This Bill is seeking the permission of this House to enable the Financial Secretary to borrow additional money for the completion of projects that has been agreed on by this Government.

Now, much has been said about the means of building these buildings and what expenditure and what not, but I would like to ask Members to direct their thoughts to be real serious and to reflect on the development of these Islands in the past. Surely when we look around today and see that this Government is in a much better position than it was years ago, there is no one that can deny that and when it comes to capital projects I believe today that we have to thank the U.K. Government for a lot, and this probably why we haven't been the strain of this capital expenditure we have recently kind of free, we had radio set and the wind was behind us. The British Government provided for us all of our Primary Schools, I think it's something like eleven in number in this Island and very good schools at that, the British Government financed our Comprehensive School, they assisted the greater part with the canteen and programme, they did I think the Police Headquarters (Interjection) Yes, Headquarters) there was assistance with the reconstruction of the Airport and on top of all of that quite a lot of aid in the form of technical assistance which has been a lot of money. Now, surely this amount of aid running into billions of dollars was given to us by the British Government and if one believes what one hears and reads there are no people in the world that are more pressured with taxation than the English people. It was English tax payers money that allowed us to be very grateful to this, and I think everybody here is grateful for this, but surely sensible people didn't expect to be running before the wind forever; it is like a child growing up, a parent is not going to nurse and feed a child through his life time, there comes a time when the child has to get out on his own when he becomes of age; he has to go out and get his job, and he has to provide for himself.

And, Mr. President and Members, I think that whether we can say it was ill-timed or not the time did come when we had to bear our

MR. W.M. MACKIE (continued): ...deadline. We had to sit down and we have to set our priorities because we could not afford all of our needs at one time. Those were lightly done. In setting those priorities I believe that Members took a great deal of interest, a great deal of thought went into those and set our those priorities. But, Mr. President and Members I am glad, I feel proud of being criticised. I feel proud of it because it shows that the Government has been doing something, people might blind their eyes to it but it's there to see, and I can name the projects that were been attempted, some of them completed and I am sure that the others will be completed. When we look at the hospital, when we look after the courts building, the administration building; when we look after the roads programme, despite what people say the roads in Cayman are better than ever before, are we now the dust cleared out of the water.

You know in 1965 a former Commissioner of these Islands posed a question to Members of the House and said, "do Caymanians know what they want?" This was taken by some Members in a very backward, but on the other hand one is inclined at times to ask that question, because if the Members of the Government - if this House had not involved itself in preparing and in building things for the benefit of the people of Cayman they would have been criticised for not doing it. Today the buildings are up, we have been criticised for spending money, there is always this question of whether money was well spent or not, - this happens in any Government, every opposition in a Government criticises a Government for spending money, yet when they themselves opposition gets into Government they spend more: this is like a recurrent decimal. So, Mr. President and Members I'm not too worried about that, what I am saying is this, that despite the criticisms I believe today that Members of the Executive Council can be compared to the parable of the man with the talent : they didn't sit down and bury their talents - because they only had one - they didn't do that - they went out and developed them. If we had been like the man who buried his we would have been criticised for not doing anything. I think we can be compared to the man who had five and he went out and he got five more. This does not mean that we are going to build five more Legislative Assembly buildings or five more hotels, but what I am saying is that the same people who had the foresight - who had the initiative - who had the stamina, to withstand my constant criticism and still go in and provide these services, the same people who had the intelligence , the integrity the ambition and everything else to provide the money to do these things - and I am sure that with all of the criticism, with all of the destructive forces outside, saying to the people believe that this Government is on the path of disaster - I am sure today that they are going to be proven wrong. When this particular building was being built someone said to me, it looks like a warehouse like in Venezuela, I said yes, sir. Let's wait until it's finished and see what it is. It doesn't look like that today, the next criticism was that it was not on the right spot, we , I said we can't move it so it'll always be on the right spot.

Mr. President, we are involved in these projects, I think it is just wishful thinking, I think it is only a matter of some playing with words to even suggest that they should be stopped. I believe that the Member who said these words he himself doesn't believe that he has said them and he has been said and repeated if it had not been for Government to take the stand to take the initiative in the development in talking this year what would have happened? You say you have some people out of work, you would have more people out of work had the development and this was not something that even stank in a mistake, if one reads the words of the honourable Financial Secretary one can see clearly that this was envisaged that this year the Government would have to step in to prop up the economy, and I am sure that it came at a good time, things are going very well; I don't see any problem in the Government borrowing up to a maximum of eight million dollars. If this Government involves itself in borrowing from banks, I think it is the best investment in the Island because it's more individuals have been doing this over the years, and I believe that Churches have borrowed: I believe some of the building of churches have been financed by banks. So what's all this thing about Government borrowing money? And surely this Government is in a position today to borrow money, because it has the

Hon. W.M. McCoy (continued): collateral. When you go into a bank today the first thing that the bankers are going to ask you is for your collateral, and I think today that this is the first loan in the history of this Island that the Cayman Islands Government has had any collateral.

Mr. President, this particular Bill dealing with this loan for capital projects I believe it's one that is worthy of support, I believe it is one that will go down in the history of these Islands as being a very important bill because without such legislation the Financial Secretary would not even attempt to negotiate for loans. We had, if I can refresh my memory I remember the first loan that this Government involved itself in, it happened to be in the administration of the late Mr. Gunding, and I remember that immediately it was a twenty year loan, and I remember immediately as the Government got itself on a position to pay off that loan - it wasn't much money, it was a few thousand pounds then and it was from the Jamaica Government - Members brought a motion to pay off this loan, the Commissioner said no, that's unnecessary, we are not going to pay it, you have a loan for twenty years, we need that money to do other developments on, we are going to pay the interest and we are going to pay our repayments, we have twenty years to pay that, you take that money and develop and bring something clear that was the first loan - I can go back to the figures and know exactly what the figures were and know what the interest and everything else - and this is something that many, these days, which hasn't been too very far back - unknown to Members of this Legislature borrowing here - there were no commercial banks, people in this Island knew nothing about loan agreements, mortgages and what not; but if anyone here can tell me of any Government, or any organization today that is not absolutely in arrears or the bureau head as the case is, please let me know. I feel today most Governments today involve themselves, and in order to provision for the people the amenities that are necessary - and tell me, what could be more necessary - one of these capital projects, it does involve some expenditure as a hospital, education; expenditure on schools - I am sure many that even if we leave a debt for our grand children to pay, once we provide them with the facilities for them to be able to make a livelihood on their own that they will be grateful for it, they will be thankful for it.

Surely any opposition can make in this place, and as someone said in this House that we all know the Bible better than the devil: he can use that and swing the words to make him say how he wishes, there is no doubt at that. I am not here to say that in the spending of this money that one could not find areas where Government didn't get one hundred percent profit for their expenditure, this happens in any Government, it happens in any country and particularly today in a developing country. I didn't know what it meant, but I remember once in the early forties when Cuba was booming that I bought my friend coming back from there said, "well I only went in and paper the place and came back out through the gate", I didn't know what it meant but I see now what it is, and this happens in any place where there is a boom going on, people are just pumping the dough and went out through the gate. So, I don't think today that the Government feels that they have got one hundred percent return for expenditure, but I believe today that this Government has got a fair return on what money has been spent; I believe today that the contribution that each man, woman or child in these Islands is making towards the development of this country, I think they can feel justly proud that their dollar is going as far and further than most individuals in most other places. I am explaining this because I have supported these capital projects, and I supported these capital projects two, three, four, five, six years ago fearing realizing that they were going to cost us money. You can't have your cake and eat it - and you get very little for what you spend money for, and if you don't spend any money you're not likely to get anything at all. So, I am supporting this Bill - I have not heard any objections to the projects when they were doing this thing, when they were programmed; I think it was a good five year programme and even though that the individual is called on today to make a little greater contribution towards the completion of these, and probably to the beginning of one or so that has not been started, I believe that in the end people are going to be satisfied that they have got their money's worth. And, I would hope that despite the criticism - I know most of it is done for political

HON. R.N. GONSALVES (MINISTER): ...economy, but I would hope Lobby that rational Caymanian common sense would prevail in issues/problems like these. This is where we hear about we want cooperation, and I think this is where we should have cooperation, and I believe that if this whole situation is explained to the people that there will be no misunderstanding. There will be no embarrassment; it is a contribution that they are making for their own good, for their own benefit and for the benefit of those who come behind.

I support this Bill Mr. President.

MR. JAMES M. BODDEN: Well, Mr. President I see as the major role that some of our members have this morning as I will take my turn. I really intended to get up after the able speech was delivered by the Second official Member from West Bay but I was lost to it, because, Mr. President it is always good to get up in the speech after the backbenches and get ready for the other call; and we did have 7 presentations and I am going to try to give the other call.

I'll like to make one thing plain in the debate on this loan Bill, and that is that my colleague and myself are not debating it because we are afraid of the Government going in debt. We have so much faith in anyone else in this Assembly and our Government, and that it will have the capacity to repay and to service this loan. But we are approaching it from the point of principle for one thing and for the point of view on another. We feel that the money has not been put to the best of advantages that we feel like we have been misled in many respects; we are of the opinion that not enough info say, Mr. Speaker is put into these projects, anything that we are told it seems like we accept it, if we were to bring an ordinary man/ to the Cayman who had just written his matriculation papers and never stepped/four shores a ship, as long as he appeared here he would be a captain the next day, this is where we are taking a lot of the objections because without saying, Mr. President, this is happening, without a doubt if the Members in Executive Council would tell us the truth about it we would know that we are being misled. We have consultants and we have experts, that expert gets another expert and it's just an endless chain reaction like the effects of atomic bomb.

The first point I'm going to deal is the figures on the deck. I am not about to set myself up as an expert or an authority to say whether the deck is in the right place or the wrong place; in all of my political career I have never stepped out on the limb in regards to that, I leave that to the experts. So, the experts have said George Town is the place we put it, so I'm going to deal with the figures. I remember in 1979 I think it was, it was after I came to the House anyhow, and the Public Accounts Committee and Works at a briefing showed us the plans of the proposed dock, and we were told that the experts had assured him at that time one million dollars would build it; I can remember myself saying to him, for God's sake I hope you sign that agreement and don't sanction. Anyhow, later on in '81 we were told it was going to cost a million and a half dollars to do this dock; now Mr. President it is creeping up around four million. I am of the opinion that figures are put into these projects just however they look good and they're put in hoping that the Members will not question it and will accept it. Now Mr. President, this means that since this project has been on the way it has increased by roughly a hundred and sixty-six percent in cost; taking that over a two year period we find out it's about eighty-three percent a year increase in the estimated cost. I know we have inflation, I know the world has inflation but nations like Chile and Brazil the inflation rates is not yet reaching eighty-three percent a year. Now, if we take this one project it into the future and the figure that we're going to have another eighty-three percent increase next year it will mean that the Members in Executive Council will be back here next year God's willing asking this House to approve an additional three point three million dollars to complete the dock because it is, the figures are increasing at roughly eighty-three percent a year. I know the Members on the other side of the House do not like to hear about the percentages, because it sounds too big.

Again we go on the road project. Mr. President, that was put forward to this House as costing one point four million dollars, many reasons were advanced as to why Public Works should do it and why it

MR. JAMES M. BOOREN: ...should not have been put up as a contract. I was in favour then, I still am that the work should be done by Public Works because we have a chance that way of recapturing some of the capital expenditure that we spend on the equipment. But, at that time twenty-eight miles of road was supposed to have cost us one point four million dollars to complete, according to figures that we have been given in this Assembly in the past couple of days we find that only about eight miles of the road have been completed and that we have spent nearly the one point four million dollars that was allocated; that means, Mr. President, that we have twenty more miles of road to go, we have by arithmetic right I would've liked to had known yesterday when the figures were being asked for, what amount of that one point four million dollars has been spent on let's say, capital expenditure and materials, but unfortunately as it happens so many times in this House those figures were unavailable. But, if we let the imagination drift a bit and we take those figures we will find the other twenty miles of road will cost roughly three point five million dollars to complete. I am going to be very generous and I'm going to allow a million dollars - offer that three point five we are going already for capital expenditure; which means that even at that rate we are still going to be looking at one-and a half million dollars more to complete these roads based on the most that has ever given to us by the Member responsible for this project. Bear in mind those figures are not my figures, these are figures that have been given to us from the other side of the House.

The very Member in his debate awhile ago told us that the roads will cost less than two million dollars, and he assured us of that. Now, Mr. President that means that we will be spending another six hundred thousand dollars to complete it; because we have twenty miles of road left that can easily be completed, that's thirty thousand dollars a mile. Now, we have heard about the inflation, we have heard about how things have increased in cost, bitumen and so forth. Now, I'm sure it was going to cost us roughly fifty-thousand dollars a mile to do the roads then I am posing a question as to how we are going to do it in 1976 for thirty thousand dollars a mile? It is funny that it is now forty percent cheaper than it was in '75, that is my statement that I'm sure that if we live long enough we will see the Member is glad to subscribe, because, unless he's very good with mathematics than some of us are, and unless he can work miracles the twenty miles of additional road that are to be built will not be built for the six hundred thousand dollars.

We find the same Carter, Mr. President, in the Administration Building; I speak subject to correction on this figure, but I think in 1975 we were told that the contract for the administration building was roughly one point two five million dollars, yet two years later we find out it had cost one point seven million which is an increase of roughly one half million dollars; this, Mr. President, is the sum at which everything seems to increase, and it seems to increase, Mr. President, because we are either following the wrong advice or we're getting the weak contracts. We have spoken many times in this House concerning the contracts, but these contracts are secret and as far as anyone can see, they are supposed to be covered in the bloody vault of Executive Council. Let us let the imagination drift a little bit further; the Airport Terminal Building. I heard a figure a while ago of two million dollars mentioned for this, I think we will find it will probably be closer to four million dollars, and when we figure all of these things together, Mr. President, we will find that in 1973 they came in asking for a sum of five million dollars; in 1975 they came in asking for additional loan of three million, and I am saving as I say this House today at God's willing in 1977 they will be asking for an increase of another seven million to top it off at fifteen million; because if their figures are correct in the way they are operating it in no other way it can be done, that is their figures. I submit that our experts are leading us right up the primrose path, it is time that someone open their eyes. The contracts, Mr. President, are awarded I think without thought in many cases, I think that looking back on what has been happening in this House the contracts that we have entered into must be like the old slave that my grandmother bought me for coconut juice, it must have that many holes in it. But, we go to the trouble and the expense to elect a house of representatives, people who are supposed to come in here and

MR. SPEAKER (CONT'D): Parliament like people and yet when a question is posed concerning a contract, or if one should be so stupid as to even utter those words as to ask would they see it, we are told it is none of your business; that's a blueprint of putting it the mild way but little bit more diplomatic. But, I think it's a complete straight to the backers of this House when they are told such things: how are we supposed to vote intelligently on things when we do not know what's involved? If we continue with this pressure we take a terror of the Education Law because we'll only become rubber stamps; it would be much better if we came up bluntly and said that we're not here as elected representatives.

Let's deal a minute with the servicing of this loan. I am fairly certain that this loan is not going to be at a rate less than eight or eight and a half percent if we're lucky; that means that we're looking possibly six hundred and thirty thousand dollars a year in interest rate payments, that is not including anything at all on the repayment of principles. If we add the principle repayment to that and we take into consideration the other loans that we are paying on today it'll mean that we will be paying to service the national debt roughly one and a quarter million dollars this coming year. If we go once that a little bit further we will find out that is roughly about eleven percent of our gross income; anything according to the experts that a country starts getting between eighteen and twenty percent of its gross income service in its national debt, it is supposed to be getting into trouble, it is not wise to say anything about the trouble areas of starve.

Mention was made in a previous debate about token votes; that certain Members of this House are against the token votes, and I have said so and have voted against them, because once we vote a token vote it's just a blank cheque; any amount of expenditure can then be spent under that head and they do not really have to come back to us. I have all the faith in this world in the Financial Secretary, I admire him, respect him and look upon him as a valued friend but that doesn't mean that I will just stand up and say when I think something is wrong, because he is only one of eight. I think Mr. President that it is time that our Members in Executive Council supply some plums and some sinecure stints to some of the experts are consultants are suggest that they go make some paper kites and go fly them. We are faced in this House, Mr. President, with a block vote of collective responsibility with its centuries of ancestry in antiquity, and regardless of whether right, wrong or indifferent there's only going to be one vote and that is "Aye"; the blind can only lead the blind for so long.

I have heard a lot mentioned in some of the previous speeches about irresponsibility, and I would say some ridiculous remarks certain Members of this House opposite. I wonder if the Members of this House do not fully understand that in order to have any good democratic Government - I don't care whether it is on this Island or where it is at, you must have opposition, if you're going to have an yes man everytime you're going to be like the communist states, you'll not going to have a democracy anytime everybody should think alike you better question it because somethings is wrong, if we are going to have good stable Government we must continue to have a good opposition. It doesn't mean, Mr. President, that just because a person is about to jump off of a precipice or off of a chap's bridge that I must follow him; I pride myself in being able to have an open mind and to think for myself. If I agree with you I'll follow you to the gates of eternity, if I don't I'm like a viscount mule that will never budge.

There is one thing that does surprise me and that is, that I really have not seen any money like the budget for the price of Red Pay. I think we were told on this House why that it would not cost anymore to put that piece of road through than it would cost to resurface the old pavement; well, it is no wonder, Mr. President, that we are able to talk about the figures that are put forward when we are told things like that, because when you look at that amount of money that has to be billed you would know that the filling of it is going to cost more than it would cost if you pavedthat thing/you! Now one end of the thing - the old county as it was to most rural money. I am not particularly against it, I'm only just trying to use it as an illustration just to show you how figures can be distorted, not by this side of the House but by the other side of the House. I would suppose that we are receiving Christmas and Christmas is usually considered a time of giving, and I think it would be a good suggestion if the Members of this House would take up a donation to provide

MR. JAMES M. DUBOIS (cont'd): ... a new set of slide rules and a new adding machine for the experts, hopefully by next year we might get even better figures.

One Member, Mr. President, said, take objections to Government borrowing in the past had kept the Government from borrowing any money. Now, at the present time my colleague and myself are the only two new Members on the Hansard, we are the back benchers, so we have not here to object; now, if Government didn't borrow money in the past it must have been because of the objection of the same Members who were speaking about it today, Mr. President: this is the thing that never ceases to amaze me as to how some people change their positions in mid stream. One Member took complete credit on Executive Council for what had been done and I am glad that he did, because later on he may be glad to take some of those words back. He then joined with our other colleague in quoting us from the Bible, and I am about to show this House that I although do not whose thought it have probably read and studied the Bible as much as any of the rest, and instead of comparing them to the assembly with the talents I will compare them with Moses and his team wandering in the desert for forty years looking for the promised land; they have made three runs, Mr. President, so purpose that they cannot see over their writ importance. We have been ridiculed and spoken against as speaking politically in this House, but I believe, Mr. President that the election must be much nearer than anyone of us think because I have heard a lot of pleading and a lot of electioneering come from the Executive side of this House today. I have heard a voice again being born in the pleading of support, Sir, Mr. President the election must be near, and we, my colleague and myself cannot be accused of doing it this time because we have stood and true colours from the first day we ever came in here: what we said then, we say now. So, Mr. President, I'm getting ready for the voter call and I hope that some of the Members may be able to take some kiddies from where they were from Bonavista down try to tell them with figures, because I believe our figures are again better than what the experts are supplying them with.

Thank you Sir.

HON. HEATON ROSSITER: Mr. President and Honourable Members, in following along with the Bodies Hon. Members I too would like to be consistent and therefore I shall support this Bill. Before I go into the details of my speech it has been a dandy hot debate on this small Bill, some-time-there I suppose each of us will have controversial points and eventually it will follow the democratic procedure and be passed. As an old gentleman back home has a proverb, and today this comes first to my mind, "a little sometimes now and then is enjoyed by the wisest of men", and I think with all the intellectual we have had today I think we have succeeded as such.

Mr. President, Honourable Members, I feel certain that every Member in this House including the Members on this side realize that these large projects have been a bit drawn out, they have been a bit delayed and last but not least, the cost of them through unforeseen circumstances has escalated. I don't think that anyone could stop that, and this will continue to be; I can agree with statements that there are loop holes in the implementation of these jobs with workmen also, and as one Member has said, I think this will always be; we were the days when workmen are paid with the long rod, and you should try to get eight and a half hours work out of them rather than the eight. Those days have been long passed and I feel if we are lucky the sake and subsequent importance into a job at the completion. Mr. President, I will to see if in reality the attitude of certain Members in this House was carried out how they could claim as usual that they wholeheartedly represent their people: to my knowledge the amenities of the people must come first. This is what people see in this everyday needs, but in one hand they account that overseas things are needed and when this becomes a reality they support that Government shouldn't be borrowing the money to do just that.

I have to ask myself the question, should we remain standpat? It looks as if this has been the suggestion of some Members; then on the other hand I ask myself, is this supposed to be of the people? Now is it? I think as other Members have said, that the Estimate should be proof of the achievements we have seen in the last three years, surely they are

HON. TREVOR FOSTER: [illegible] going to cost this Government money! We get nothing today for nothing and very little for something. But, I feel certain that these projects are needed, they are needed for the benefit of our people and I think the people in our Islands have the common sense to realize this. Mr. President, it leaves me back to the thought that numerous members query; I wonder if this is our position facing us daily as we are getting down towards the opening of our very millionaire is coming from all ends. We don't mind constructive criticism - in the criticism [illegible] trying to substantiate what these elected Members to Executive Council over the years have tried to do or is it planned to deliberately the solid background which the Government has tried to build for these Islands over the last three years - one can't wonder. Sometimes I leave this Meeting in the afternoon, and I am beginning to question myself, and we gladly that dark but I'm always able to console myself on the other hand that at least a little bit of success and this is meeting the criticisms at this late hour.

Mr. President, I am certain that the people in the Cayman Islands now pay what has been done, what has been done for their benefit and I am certain also that they realize what good representation is. Mr. President, we have been accused of building the generations to come with debts which will take their life time may be to pay, on the contrary I would like to say that I think we are trying to prepare the Islands for the generations to come that they will have a more affluent society, a better country in which to live and put back in a position that they will have a better future ahead of them than even we found given to us by our forefathers. As regards to the borrowing of money sometimes you wonder what Members have so much against this and you know yourself and know that in private life this is the usual method of operation of business should Government not borrow money to supply the amenities of the people, much certainly I think they should. I think this is the only [illegible] has been done. I think our eyes has been taken through the leadership of [illegible] Financial Secretary to know that this Government does not over-invest; if only Members could hear the opposite side of this story what we are being reprimanded about spending, then they would cry. As I have said I support this Bill and I feel that it is with the best interest of the people of the Cayman Islands why these projects have been undertaken; I am certain that on the completion of them it will make these Islands [illegible] a better place for our citizens and also for our visitors.

Mr. President, a point that disturbs me quite a bit from time I first entered this House in 1960 as an elected Member from the Lower Islands I have always heard Members advocating for more authority, an opportunity to have more say in the affairs of their own country. Mr President and Members, when through tedious weeks in committee stages over our new constitution, the new constitution which gave us the opportunity of having four elected Members in Executive Council, four elected Members from the people which were elected by the people to represent the Islands in turn these Members elected four to serve on this body and now is the complaint or to that they have too much authority. I might ask a question which one Member stated that a certain Commissioner asked, "Do we know what we want". Mr. President and Honourable Members, I feel truly the course of the constitutional powers through elected Members was followed by Members they would not want out of their implementation. We hear Members state, we can't see a Minister, we can't see this or we can't see that: every elected Member has been invited to join the respective Member's office to get knowledge of the various portfolios - the question searchingly and find out for himself what he wants like to find out. The Council is there for them each year to state to the various Members what is needed in their districts; under the various portfolios is this ever done? Mr. President I feel that we have got a workable constitution, but I feel that Members are not applying it in the right manner.

Mr. President, to end my brief statement, any Member has mentioned about the block vote and that never they can get anything through the House, but even this afternoon if the policy which the Members interested had the right practical sale value should we say, at least it would take a casting vote to break it because there are seven Members on the other side. So, it is with [illegible] that the Members of the Members who train officers must scrutinize and study [illegible] policy because it seems as if their policy is not having the effect on Members as they would like it to have. I say question that we have representation the constituencies and the people as well as the body, and

HON. PEGGY PORTER: (Leaf'd): as I've said it is late in the afternoon one did not expect that this short bill would take so much debate, but like the Member said, may be to be relieving us of the air-time.

Mr. President and Honourable Members, thank you.

MR. PRESIDENT: If no other Members choose to speak, I shall ask the Honourable mover to reply if he wishes.

HON. EDWARD O. EARLES: Mr. President, I didn't intend to speak on this bill but two misrepresentations prompted me to do so. I attended or was in attendance but I listened from a distance to a push in meeting conducted in my District last night and never in my life have I heard so much ignorance spoken coupled with what I considered very disturbing rhetoric; and what was most disturbing about it was that the source of all the rhetoric. What was being said was attributed to what had been heard in the House, and when I was listening to that I couldn't bring myself to believe that it was ever possible to gather those ideas from things that had been said in the House, but after having listened today to some of the debates on this bill I can quite easily see where people are so easily misled. It has been said that in most societies there are more ears to be tickled than there are to be exercised, and I am satisfied that certain Members of this House have that section of the gallery whose ears they tickle.

Now, we have heard a lot about the functions of an opposition; it is true, Mr. President, that in any democracy a strong opposition is essential, but that opposition must not be destructive it must be constructive and it must offer constructive, viable, workable alternatives to the policies of Government. It is not just there to criticize for criticism sake. Now, as far as priorities are concerned certainly, Mr. President, that is a matter of opinion and only time will tell whether Government has arranged its priorities correctly; I certainly believe that it has, but when it comes to the charge of Members of this House being misled by figures being given in projects in 1973 it baffles my less Members can make such a charge, because it must be well known that this was the time that the oil crisis came about and world inflation became rampant, and anyone who costed a project in 1973 and came out within that target now or within the next year is more than fortunate. And, certainly Members are aware that Government has not fared any worse in this regard than has the private sector; we all know that building undertakings in this Island and the private sector have all sometimes over-run, and in spite of the charges made about the Government building - the administration building, I understand that the overrun on that building was less than on a building in the private sector which was being constructed simultaneously by the same contractor. The same argument must be deduced in defence of the consultants - I'm not saying that consultants do not err, they are human. But they too suffered from spiralling overwhelm they did not or could not foresee in 1973.

Now, the Minister for Works Mr. President went to great length to explain that the figure given for roads included some of the material that is envisaged to be needed for the remaining twenty miles of road to be constructed, and that the greatest single cost left to be met in the construction of the twenty miles was the labour; in spite of the asphalt having risen over one hundred percent, we do not find it so difficult to understand why the Member can make a projection that the remaining twenty miles of road can be done in the vicinity of six hundred thousand dollars. To repeat what I said in an earlier debate, Mr. President, I will say again, that tomorrow's money spent today is good business sense and if we are to follow the policy which is advocated by my two friends from Bolden Town - I think they said, undertake one project at a time; I wonder how long we would be in accomplishing the task, the roads programme, to have built the administration building and to even consider building the Airport; it would take according to my calculation it would be something like fifteen years. Now, not only would the country be deprived of these amenities for fifteen years but think of the escalated cost in fifteen years; if they have doubled and tripled in six to three years, what would they do in fifteen years? But,

MR. MARTIN O. ROBERTS (STRETFORD): These machines that are being built with this money - being provided with this money are machines which are going to help the country to make much money, no longer will it be said that we receive imports goods direct from Europe and that the cost of freight from Manchester or Miami to Grand Cayman is equal to that from Europe; that pilferage accounts for twenty-five percent of the cost of goods - if and when we get to the Airport this is bound again to add the amenities of tourists coming to the Islands - the roads will make it possible for tourists to travel up and down more comfortably, no longer will they bought at the pot holes and walk about having to stop and hack and look down in the holes and see if another car is there before they can proceed.

And, the figure which is in the 1976 estimates to service these loans represents six percent of the estimated revenue for 1976. A figure, sonne my friends like to deal in percentages - that is only sixty percent of what experts would tell you is a very valuable proportion of revenue for the servicing of Government borrowing; this is why we are paying so much for our facilities today Mr. President. I recall when a building and a piece of land that this Government bought adjacent to the present Jail for something like thirty-five or forty thousand pounds I think it was that could have been bought for three thousand pounds, and this Government turned it down and this Government probably had the money in the bank then, but the big boast these days was, we got money in the bank; we are self-sufficient, we have money in the bank but they always said they needed more and better banking facilities - but they were going to put it in the north Sound where it was going to cost twenty million dollars for the dredging alone which we didn't have. I am positive, Mr. President, that had circumstances permitted this whole exercise to have been handled in an opposite way - that is, instead of having to deal with revenue bills the same way that it is necessary to deal with revenue bills in Government, anyway - I'm not touching on the charge made that we are now paying by asking the people for over-expenditure in the last few years; I think a suggestion was made to even stop in mid stream. If it was put to the public of this country prior to the introduction of these increases the alternative of paying these moderate increases in terms of dollars - increases, the alternative for paying these would be no road work - potholes - no dock, no improved educational facilities, no improved medical facilities: and in fact you would have to be called on to pay the complete cost of what you are now enjoying: I am sure every man, Dick and Harry would have, would give up these moderate increases.

But, for reasons best known to themselves people are taking five dollars increase and looking at it not as five dollars but as one hundred and sixty per two thirds percent; twelve hundred and fifty-six percent - even when an effort is made to explain what is being paid between the small car and the bigger person; when an effort is made to equate the charge between the man who operates a probably a dozen in his house - and the big supermarket which is the one that has really increased the twelve hundred percent. They don't get any benefit for taking care of the small man, and the twelve hundred percent that is flogged around the place. But, Mr. President these things is very gratifying, and that is that after all hemorrhoid - and the Member talked about the pipe coil, I'm sorry he has gone because I am satisfied that he is under correction and I would make the same call, and I am sure he would come over on bended knees but what I am satisfied about that after all the haranguing the banker who spoke first, there's the one that really put the work on, the other one he tried to - when he found out what was happening as I've said he's under correction he tried to switch. The Member said, "all of these payments are needed, and undoubtedly many more wanted". Now, I have always lived by the philosophy that you might not always get what you want but you should always get what you need, and even the Member himself that all of these projects were needed.

And, Mr. President as I have said, to quote the Lady Member from George Town, who said: "they are planning to sweep the floor clean". I can say this, that whether the House is swept clean or whether I return I have an inspect for this country which I have here in the Treasury and I will go further and say it is an insult for each true citizen coming behind can hail on. I cannot accept the argument that you must sit down and wait for things to fall in your lap, and that you must wait until

HON. KENNETH D. BRIGGS: (Cont'd) ... you know all of the money to do what you want. The other point I want to make Mr. President before I close is this. Just one of the items that has come under most criticism during this session is the Broadcasting Station, and I have always regretted the value of that station, but I must say that daily it is being driven home to me how much more that station is needed, and I would hope that it goes on the air in January because it has been said in this House, you believe education is expensive poise ignorance. Now, the Broadcasting Station the estimate for that is expenditure is a hundred and seven thousand nine hundred and seventy-four dollars, and if my memory serves me correctly it shows a revenue of a hundred and twenty-five thousand dollars, so it would appear that it will be self-sufficient in the first year of operation.

Education is taking one point six million p.y., but unfortunately, Mr. President, that write in education is not reaching some of the people who needs education worse. I heard a man been might said, that he before last election was canvassing seriously going around and speaking the people in the workings of his constitution and he didn't do it, but he is going to do it this time, and I hope that we get the radio station on the air before he gets back or I am sorry for poor Cheyennane. Now, what was worse he had the audacity to say that he was so qualified to teach because he had attended seminars before he came back to this island.

Mr. President, the Town (Capital Projects) bill is one which I support as I am sure the Member piloting the Bill will point out all of this money has not yet been spent, while provision is before the House and I pointed out that the provision in the estimates in 1970 for servicing of the public debt is only six percent of anticipated revenue. As the economy of the country grows and this money is expended that percentage I feel will remain fairly constant or probably reduce some, because Members must remember that before we were hit by the world's recession the gains that were made in the total budget were fantastic. I have the confidence to believe that these gains will be repeated; there are certain areas that will not be so buoyant as they were in the past - certain areas of the economy like the building of office space, but there is still a considerable amount of building to be done, and as some anyone has missed it has not forgot that there is quite a bit of building on the move in Nassau - many of our own people who are at this time improperly housed. So this will be a project that we would hope that Government can find some way of starting. I don't see the type of money that is needed coming from the private sector.

And, the final word is about the water project. Much was said about the ten dollars bonus provision that was put into that project, and I would only like to remind that Member and this House that if anyone believes that water, a proper sanitation supply and a sound sewerage supply is not a priority for particularly certain areas of George Town they are badly mistaken; and it only takes an outbreak of typhoid or some water going disease of that nature to ruin this entire island's economy or territory's economy because our tourist will not when he able to leave to get back to ships if something like that was to happen, so let's not lose sight of that. I am not saying that Government can afford to embark on implementing such a project now, but Government cannot afford to lose sight of the needs, and may be in the interest of the health of the country it might have to be turned out to private interest to do the job. But we must keep the need for such a project before us.

I thank you, Mr. President.

MR. T.M. MACFARLANE: Mr. President, I would like to speak on this matter but I'm afraid I haven't got time now to do it and I think five thirty is a very good time to adjourn, and I will be back tomorrow morning and the Financial Secretary will be able I suppose to close the debate. It is impossible for me to stay here now any longer my people will come to look for me, I told them to come five thirty; and I don't know how the Members feel but I would be prepared to say something on this tomorrow morning; but I couldn't stay here any longer now Sir to debate it.

MR. PRESIDENT: If the honorable Member intends to speak on the motion, I would have no objection if we took the adjournment at this stage.

ADJOURNMENT

MOVED BY HON. T.V. MATLOU
SECONDED BY HON. C.B. KGOTSITSILE

QUESTION PUT: AGREED. AT 5:15 P.M. THE HOUSE ADJOURNED UNTIL 10 A.M. ON WEDNESDAY MORNING 18TH DECEMBER, 1975.

WEDNESDAY, 10TH DECEMBER, 1975

[illegible]

[illegible]

GOVERNMENT MEMBERS

Hon. D.M.Butler, CBE., JP	Chief Official Member
Hon. G.S.Wallington, MBE., QC.	Senior Official Member
Hon. W.G.Johnston, OBE.,	Senior Official Member
Hon. A.T. [illegible], JP.	Second Electoral District, [illegible] (Member for Works, Communications and Public Transport)
Hon. Dawson Hunter	[illegible] Electoral District, [illegible] (Member for Co-ordination and Information)
Hon. Benson O.Banks	[illegible] Electoral District, [illegible] (Member for Education, Social [illegible], Health, Labour)
Hon. W.W.Connolly, OBE., JP	[illegible] Electoral District, [illegible] (Member for Trade, Commerce, Natural Resources, Mines, Agriculture, Surveys)

ELECTED MEMBERS

MR. D. W. [illegible], CBE., JP	FIRST ELECTORAL DISTRICT, [illegible]
MR. JOHN B. [illegible]	FIRST ELECTORAL DISTRICT [illegible]
MISS [illegible]	[illegible] ELECTORAL DISTRICT, [illegible]
MR. [illegible]	[illegible] ELECTORAL DISTRICT, [illegible]
MR. [illegible]	[illegible] ELECTORAL DISTRICT, [illegible]
MR. G. [illegible]	[illegible] ELECTORAL DISTRICT, [illegible]
MR. [illegible]	[illegible] ELECTORAL DISTRICT, [illegible]

ORDER OF THE DAY

WEDNESDAY, 10TH DECEMBER, 1975

1. PRIVATE MEMBERS' QUESTIONS:

(a) MR. JAMES K. BUCHAN (CONSTITUENCY OF NORTH TOWN) TO ASK THE RIGHT HONOURABLE W. W. DONNELLY, C.B.E., M.P., MEMBER FOR TYCHBRIDGE, BANKS AND NATIONAL ASSOCIATES.

IN CONTEMPLATION OF THE BUDGET AND MEMBER MAY CONSIDER THAT THE MEMBER STATE THE PRESENT POLICY CONCERNING THE GRANTING OF RELIEF OR EXCISE TO PRODUCTS OF A CO-OPERATIVE AGREEMENT OR CONVENTION TYPE PROVISIONS TO SEE ABOUT OF 1974 THE EXISTING TAX BACK TO RELIEF FROM CUSTOM DUTY, WHO WAS TO BE RESERVED AT THE PRESENTATION WITHING AND ARE IN MANY CASES THE APPLICATIONS FROM PLEASE NEW OPERATE PARTNERSHIPS FOR WORK IN COUNTRIES WHO COME UNDER THE TAX TO. CUSTOM DUTY RELIEF, ARE NOT PERFORMED ON THIS BEHALF FOR CONSIGNMENT?

(b) MR. DAVID M. GOODMAN (CONSTITUENCY OF GOLDEN DOOR) TO ASK THE HONOURABLE A. B. ROSS, M.P., MINISTER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT.

IN PREVIOUS MEETINGS IN THIS HOUSE THERE HAVE BEEN MOTIONS WHICH PROPOSED THE CONSIDERATION REGARD CONCERNING THE OPERATION OF CARIBBEAN AIRLINES. IT WAS STATED THAT GOVERNMENT THAT CONTRACTS BE SIGNED TO CONFIRM WHETHER THE RATE STRUCTURE WAS APPLICABLE AND IF NOT ANY REDUCTIONS WOULD BE PRIVATE TO THE CONSUMERS, AND THAT REPORT WOULD BE SUBMITTED TO THE HOUSE. THIS HAS NOT BEEN DONE AND WE DO NOT HAVE ANY INFORMATION OF A DAILY-WEEK THAT COULD BE EXPECTED. IS THERE ANY INDICATION OF THIS REPORT NOT YET?
IS THERE ANY CHANGE IN MANAGEMENT ANTICIPATED
CAN THE PASSENGERS UNDER WHICH CARIBBEAN AIRLINES OPERATES BE CHANGED IN THIS COUNTRY IF SO, WHY?
I. SERVICES INCREASE BUT INTO EFFECT BY CARIBBEAN AIRLINES - WILL IT BE APPROVED BY GOVERNMENT SO THAT INTO EFFECT IMMEDIATELY?
IS IT TRUE THAT CARIBBEAN AIRLINES HAS REQUESTED AN AIRPORT GOVERNMENT OF TURKS INTENTION TO INCREASE FARES MONTHLY

2. GOVERNMENT BUSINESS:

(i) THE FINANCE (APPROPRIATION) BILL, 1975 (THIRD READING)

(ii) THE LAND (CAPITAL PROVISION) BILL, 1975 (AMENDMENT) BILL, 1975 (CONSIDERATION AND ADOPTION STAGES & THIRD READING)

3. GOVERNMENT MOTION NO. 5 APPROVING DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975 - TO BE MOVED BY THE FINANCIAL SECRETARY

(iii) THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL (1ST & 2ND READINGS)

(iv) THE PATENTS AND TRADE MARKS BILL (1ST & 2ND READINGS)

(v) THE COOPERATIVES BILL, 1975 (1ST & 2ND READINGS)

4. REPORT OF JOINT COMMITTEE ON DELEGATED LEGISLATION (BY CHAIRMAN MR. JOHN).

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WEDNESDAY 10th DECEMBER, 1975
10 a.m.

MR. PRESIDENT: Please be seated - Proceedings are resumed. The first item on today's Order of the Day is questions.

QUESTIONS

HON. W.W. CONCIGLIO: Mr. President it is obvious that the Member who asked these questions is not very anxious to get a reply, and I would suggest Sir that it would if this would satisfy, send a copy to the Clerk of the reply that I have formulated on this.

MR. PRESIDENT: I think this is what must be done, if the Honourable Member isn't here on two occasions to get the question, then I think that a written reply should be made to the Clerk to be passed to the Honourable Member.

So we pass on to Government Business, The Firearms (Amendment) Bill, third reading.

THE FIREARMS (AMENDMENT) BILL, 1975 THIRD READING

CLERK: THE FIREARMS (AMENDMENT) BILL, 1975 THIRD READING

MOVED BY HON. W.W. MITCHELL
SECONDED BY HON. D.F. BUTLER

QUESTION PUT: BILL GIVEN A SECOND THIRDING AND PASSED.

MR. PRESIDENT: We now pass on to The Town (Capital Projects) (Amendment) Bill, 1975, and the motion before the House is that the Bill be read the Second time and the debate continues on that motion.

THE TOWN (CAPITAL PROJECTS) (AMENDMENT) BILL, 1975
CONTINUATION OF DEBATE ON SECOND READING

MR. I.N. FAGGIONIS: Mr. President I intimated yesterday that I would like to have a few words, and I had promised you that I shall be very brief on this matter. I've had the privilege of hearing all the debate that has been gone on for or this Bill, and I can assure you it's been very entertaining indeed.

One thing that sales me concern very much is the fact that those who were speaking from this side of the House were called 'Prophets of Doom', and the amazing thing is, that they say that is the other side of the Government that they should take this time, a small Bill like this, But I would like to remind those Members that this isn't a small thing at all, this is a large sum of money that we're talking about, and we have a duty to perform. We have to remember that our constituency is expecting us to speak for their cause. And I say it isn't a small Bill, it's a large sum of money, when you talk about millions of dollars, I don't think we should pass that lightly and say it's a small Bill.

Now to my mind health comes first in my book, and I think that this has been debated before, and I think we are satisfied that something is being done about the health of our people, and so I say that's the first thing. I'm a bit surprised that for instance those clinics throughout the Island serve a very vital purpose, and speaking to one of the doctors from the Hospital a few days ago, he seemed very dissatisfied to know that the clinic in West Bay, the biggest district, population wise only needed one day's work for a plumber and perhaps a cleaner, so that he could save it. I brought this to the attention of the Member for Health on the Finance Committee, and I don't know whether it's been done or not, but he promised that he would do something about it. Now I'm dissatisfied with that sort of stuff, I think that the people in West Bay are entitled to something better than that. I think that the doctor is entitled to something, he was the one she told me, he said this thing should have been finished with the exception of a little plumbing that had to be done, to his mind that could have been done in a day. One surely we couldn't be satisfied with something like that. I promised to be brief, so I'll pass on to the next one.

Mr. T.W. FARRINGTON (Cook): Education to my mind comes after health, and I'm pleased to be able to say perhaps something is being done to sponsor higher education and what not. I was privileged when I was in England in 1967 to attend at a place call or there Hornsey (Tech), right at London, one of these comprehensive schools, and it was amazing how they have it done, and it was working perfectly, and I was told not only in London but in the rule of law. And indeed in Northern Ireland as well that this system/the one that was being pursued in country parts of those localities. And I'm sure that this is the thing that will help us here. I think the underprivileged will have a better change to get an education by this system.

Now the road and that comes down the line in roads, and I say why this time my good friend over on the other side responsible for works and I were the only two members that I can remember that examined the books of the Public Works Department. We thought that it should have been done by the Public Works Department and we explained why we thought so, up to the time that our first jet plane landed on our airstrip. When I was asked to speak and to welcome our friends, while speaking the Member for Kaelon and what not injected in the middle of my speech what about roads. I had to tell him while the roads to East End and North Side will be taken care of, the only thing is that we couldn't decide you who would do the roads. Well anyway we had an experience with these contractors. The first contractor that came along was a fine set of Maori, and believe me they started off very good, they started to do a good job, when they came to a little bit of a swamp right by the cemetery they had to import one of those large cranes to dig in out. They explained that they had to dig all the mud out, all the big posts and what not before they would attempt to do anything else, and that was here and they put sand in there instead. Now this piece of road has stood up splendidly for fifteen years, and I'm only saying this, because I heard yesterday about a lake or a canal. I don't know I haven't been there to see it, but that was here, and the road started to deteriorate from just after it came to George Town going west. And this was because the contractor found themselves in a little difficulty and they wanted to do as much as they could. Well you folk, that is members of the Executive Council at that time that we would agree on certain, because there again we were under pressure and didn't help from the Government of Jamaica to finish our roads. Ye were aware and this is what he advised us, he said I don't think that you could service another one, but I would suggest since you will have some money left that you close the gap up to East End and North Side and I would advise you to go ahead and do that, then after you've done that you buy the equipment and you have that equipment to do further road jobs, and you can do it yourself. and we followed that.

There was another swamp area Batty Bay Road that took a lot of money to do, and I think that was a mistake because it would have gone around the other way. But anyway I'm only saying this, to the Member for works ... changing what was said yesterday. I'm in agreement, I have been consistently in agreement that the Public Works should have done this job, even if it cost a little more at the time, even if we got our heavy equipment and two men at it, and we didn't have any money on the capital job, why we would have that equipment here, and not only that, but all of the money that would be expended on it would be work here in this island. And I'm sure that this was a very good thing to do to adopt the policy that the Public Works should do that job. And I have a bouquet/three at the Public Works, I'm not here to criticise, but of course at I have to criticise I will, but I think that the Public Works have done a magnificent job, that is my own feeling about it, I feel that the job they did from Belvedere Town going west and North Side and East End has been well done. I think that they deserve credit for it, I'm not saying this that there hasn't been waste here and there, because there's quite obvious, but they've done a magnificent job in my opinion, and I hope that they continue to do a magnificent job, and I hope they will be able to get the money to finish these roads, because although these roads were done in the first instance from Mesh Bay to George Town in very good way, deterioration going east.

MR. [illegible] (Cont'd): ...had another experience with a contractor, the first contractor got outstanding [illegible] Bahamas Brown, and believe me they really took us for a ride. I was on Executive Council at the time and we cried our hand to see what could be done, and finally we would say it we couldn't take over the equipment they had which of course was worth [illegible] and get out of it the best we could. That's what happened with the old contractor. So I say this we've had a case of this contractor business, and I am happy that finally we are forced to accept Public Works to do the job.

MR. [illegible]: I was actually in agreement, perhaps not in toto, with the speech made yesterday by the Second Member for Bodden Town. I think that after all give honour to whom honour is due, and I feel this, that although I might not be in complete agreement with him I think the views expressed here were sound, and I endorse those views.

Now you heard a lot yesterday about [illegible] happened since '73, those years ago, how ridiculous. These projects were well thought about long before '73 and as a matter of fact this building in which we are here now was actually started and finished and was opened by the President in 1972 in July. So they can't say who here are what we did, this is what we've done. It appears as if they were trying to take all the credit for themselves when as a matter of fact it was just a streak of luck that came along and brought known financiers and developers from another country who've taken a policy to forget their developers are clamouring out of those countries and of course here was the place that they looked. Why they looked here I don't know, this is a happy, and it's a stable government, and of course connection with the other country had a lot to do with it, so it's no question mark from that. So that is how this thing came about, and of course then they saw this money coming in they went on a spending spree, reckless, this is the way I express it. I think they would have been better advised to have [illegible] to put on the things on a time and look ahead, not that this boom was going on last forever, but to be realistic and realise that this boom would turn to something else in the near future, which we have been told by our bonds recession and inflation and what not, maybe it is we've got it on our hands. And that is what has brought us here now to be having somethings out of the big projects that were proposed; I'm very pleased to see that the Financial Secretary realises that we have to slow down, the Airport and many other projects need to be streamlined, and perhaps waiting for a better day to come. Personally I would think that our battery may might not come, I hope it does, and I hope and pray that it does come, but nobody can be guaranteed that it will.

We had business here yesterday speaking about the bank mighty of that great city, the greatest financial centre of the world, New York. What brought that about, it's the very thing that's bringing us to our knees, our spending money recklessly, carelessly and naturally we'll get in trouble. I heard more the person that President Ford had actually said. We needn't expect any help from the Federal government unless you put your house in order, and try and help yourselves. While of course we here are in a different category, we have haven't got those big cities and those other states to come to our rescue, when we get here right on the numbers were talking about then what do we do, where do we go. We can't expect the United Kingdom Government to hand out money all the time to us, and other than that there's no guarantee that these measures are understood, and [illegible] for as it's necessary we'll have to introduce more and more measures and that doesn't always mean that we've got more money, because if you put the taxes up on cars and what not and what not, even you might find that we end here and here only in fact having in the revenue and there it is.

Mr. President, I spoke about reckless spending, because it was reckless. It was reckless and we're in trouble whether we admit it or not, we're in trouble. Of course they'll tell me what do I know about it, the Executive Council knows all about

MR. T.W. PARRINGTON (Progressive): So that I'm only using my own observation, and whether they admit it or not we've got troubles. But I hope anyway that it might get better, I'm still not satisfied that it will.

Now there's one matter I didn't want to speak on, because the Member knows exactly my views on this, on the dock, and of course I won't say but very few words. However, I was surprised yesterday to hear the Member state that perhaps this facility that they're building here will last for fifteen years, and that after then we probably will have to go on the North Sound project, which would cost twenty million dollars, I think that's what the estimate was. Well to my mind if they had started this project in the North Sound to begin with they wouldn't have had to spend all this money. Which I'm waiting to see how it will work out, I hope and pray that it does, but why wait for fifteen years, why not start it, couldn't finish it, but surely if we got into the North Sound in the way that was proposed by, I think by the one that is building the dock out here now, Nesbitts, I think they designed it, and honestly I believe they were surprised to think that we would have embarked on that and do that. And bear this in mind even though it costs twenty million dollars, I think that I'm right in saying that government would only be called upon to contribute a part of that money, and private investment would come over the years. I think that was something that we should have borne in mind, but we're told government didn't have twenty million to spend on it, well I don't think they have fifteen million to spend on this one now here either, and after all to my mind if they get away with fifteen million as the proposed facility, they will do well.

I'm told that boy, you see what's happening, you see the chaos coming up, when we were about the first thing is your pronouncement that it would be at least twenty feet of water at the end, now they've cut it down to fifteen.

HON. A.G. ORSU: Now it's twenty four at the end - fifteen at the marginal piers.

MR. T.W. PARRINGTON: Fifteen and twenty four - well that's worse, I don't think they'll do it for fifteen million dollars, but anyway I'm only saying this, that they must be realistic. I was really surprised to hear members on this side being called 'Prophets of Doom'. Because they expressed themselves, they have a perfect right to express their opinions, and I think instead of calling them the 'Prophets of Doom', I would say they should be called the prophets of realism and hope and the rest of it. I see my friend over there nodding his head, but of course that doesn't make any difference, I'm going to speak my mind and my conscience is my guide.

Now we were told by the Member for Executive Council yesterday about a meeting in West Bay, honestly the first time I ever heard about this meeting was in that Common Room the other day, and of course they say well William Parrington is chairing a meeting in West Bay tonight. I said what; the Elected Member from West Bay said well it was announced in my church, well I said, well perhaps I understand now, since it was announced in my church I think I understand. Anyway I did not attend this meeting, I did not intend to go, but I'm told further by the Member from Executive Council that he and the other Member, I'm not counted a Member now at all, I'm out if I see, that's exactly the position, attended this thing and they heard certain remarks made. Well perhaps they were more anxious about this meeting, anyhow I'll tell you what happened, when I went down I took my bath and I retired, I had no intentions to begin with to attend this meeting, I don't approve of them, and therefore I did not attend. So I think I'm getting too far now, but I only wanted to touch on this because I couldn't see yesterday,

Why that should be allowed on a debate on this loan project. It didn't fit in at all, I was really expecting that perhaps the President would have ruled that this was not a part of a loan project debate. But anyway I just want to make it known that I did not approve of it, and whatever might have been said there, there two Members who were there heard all that was said, and perhaps it might have opened their eyes a little bit, I don't know. But anyway I only want to add this fact, that the first time I heard about this meeting was in that Common Room, and of course the Second Elected Member he told me that it was announced in my church on West Bay last night by one of his lay readers so I just ask it together, and I said you hear it's another bit of propaganda.

MR. J.W. PARKINSON (Hastings): Mr. President, I think I'd said all I intend to say, but I will say this much more: that I hope and pray that the Members in Executive Council might be right, but I'm sure I can't for one moment share their optimism, and I hope that things will get better in 1975. I thank you.

MR. SPEAKER (Frank): Mr. President and Honourable Members, I can assure the House that I'm going to be very brief on this, because in this case I hope to clean up my place in reply to the Throne Speech in '76. But I will give my whole support to this document, and the reason why I'm giving my whole support to this, I think it's quite clear to this House that I intend during '76 to stay on the backs of members responsible for their different operations. The things that should be done in my district to put my reasonable portion of the money into these things that need to be done, and I will realize we conduct it anything without money, so in the light of that I am going to give my whole support to this document.

Next I don't understand, Mr. President, as many members can speak, which it's their authority, pointing a wealth of flowers in Government for the overall achievement that they've accomplished or have accomplished, and express they don't see why Government should be criticized, and the very sentences before they finished they turned around and criticized government. Like my good colleague why's our premier has stressed this so many times and I heard him yesterday but he's not going to accept this, he's not prepared to accept this, we're not prepared to go along with this; this must be done and see that this is done, well town what's that. I suppose I may level a little more criticism than some Members, covering more road mileage today than a lot of Members. I suppose I have more problems, I get in contact with more people. I agree with why we have, the Ecoquite Research is not scattered around in here - I'll ask them question why. Because the public is plainly making it's a good job being here. Then if they can see in other departments where the job is not done, the work is not taken at an interest to be done, well then why shouldn't they criticize.

It was to my regret that when in the Minister dealing with the Estimates I was not present, which nobody as to be blamed, when they dealt with the Public Works Department. Probably it might have been a good feeling to try to get that over while I wasn't there. We could save money spent on health, we need more money spent on education, we need more money spent in the various departments. But I am saying, Mr. President, we should be getting more out of the money that we've spent and what we've promised to spend; we should get some better service, more facilities and what not for it.

The Member from West Bay who has just sat down said he doesn't see why we should criticize Public Works for the magnificent job that they're doing. I suppose if they hadn't been criticized they wouldn't be doing then what they're now doing. But I think I had as much or more by as much dealing with Levin, to do something about the roads in this Island as any Member in here, and I think I can quite remember quite a bit, the attempts and the things that were done and some things that weren't done in the way they were about doing some things.

The first contractor that done the first fourteen, sixteen or twenty miles or road in the Island, they being successful out of the number of applicants who applied for the job - Jamaican Public Works was run who applied and was turned down, I wasn't in the House then Mr. President, that doesn't mean to say that Jamaican Public Works would have gotten it, but a grave mistake this Government made. When they gave the contract to an American contractor, they turned around and said "Canada Government to let them have their engineer to supervise the work. How much interest for the benefit of this country would that engineer carry out - remember, he was denied the job, does you expect him to acquiesce it for somebody else with interest. When it was finishing up I supposed to be in the House this, and I will remember when claims were brought for material and what not were what was estimated to be spent, and it was paid by this Government. I have on me yet another claim, but we decided not to pay them now. You misunderstood Hon. Minister

MR. CHILCOCK (CONT'D) ...knew around after awhile and encouraged Government that they could supply them with asphalt for the road at a bottom rock price; Government accepted it, he said there enough to put his money, the asphalt was placed at Phase Bay for ten or twelve years, where one Member from Pembroke Town lost a car in it by getting stuck on it and died, and it never was of no use, never was used.

When it came to the second phase of road construction it was an argument between whether it should be Public Works or contractors. It ended up with a tie, the President of the House then, Mr. Cumber broke the tie in favour of the elected side that it should go to contractors. When they went out to consider them all the ramification of it, the most that they got we were not able to hear, we could not understand it, it was adjourned. Public Works was advised what they should do to continue with this, the equipment they would need, and the Director of Public Works Department told the Road Board that it will start this within thirty five to forty days as the schedule provides the contractors are too busy. Three months had gone by, when one of the applicants, the Bahamas Dynamo Work took back to this Government saying I will do it for X dollars, on the stage that if Public Works, give it to the contractor. It went to the contractor what happened from that on I just don't know, but it about eighteen or twenty days he decided no, went off, Public Works took it from that again. While we've got some road done, while we're getting some reasonable roads, I am saying, Mr. President, it has been enough money spent over these years that should have been completed twice. If as one Member said, contractor the money would be going out of the country, what investment in this country is there for the people of Cayo Costa. Every last one of them the most of their money goes back to their country, it doesn't stay here. Sure, I realize that a number of Caymanians are being employed, other people who are running their business, they're living here, they're spending some money, they have to spend money to live, but don't say that the bulk of their money remains here, it goes back to their own country. That has been one of the big arguments from time to time with this Immigration business, rebuttal of necessity, Government just sits relaxed and let them flower and skin them the profit. It's I mean, it's a disgrace it ought to be when Government would issue a license for a measly few dollars for necessity to provide us an insurance agent and what not, and they just do as they feel.

Mr. President I'm not going to go on any further, as I said in the beginning I give this my wholehearted support. Because I am expecting some work done in all of the islands this year, but primarily I'm going to see that my constituency does. Because with the police station to be built, we can hire a hundred thousand, two hundred thousand to go on a radio station, and this and that and what not, I'm going to beg somebody for a fourteen fifty thousand to go on this police station. There are still roads not there to be completed, public buildings are desirable, because I'm hoping that the first Elected Member for Executive Council will be giving somebody some copy to start work on some of these buildings in the 2nd of January.

Mr. President, I am thanking and hoping that we all live to see 1972 with good finances coming in, so even if we have to borrow we won't have to go all over board to get all the money that we might need, or be able to spend for the year '72. But I hope, Sir, that it will be spent wisely, be spent wisely I repeat Sir, because most of it isn't. So with these few remarks Mr. President I will close, and trust that we, as I've said will have a good return from whatever we might have to borrow.

MR. (Inaudible): If there's no other speakers I'll ask the Honourable Mover of the Motion to reply.

1969, V.C. JESSOOR

Mr. President I'm reminded of that bit of poetry -

There's a good time coming boys.
A good time coming,
We may not live to see the day,
But earth shall glisten in the rays
Of the good time coming.

Mr. President, Christmas is also coming. And somehow told me why, I was interpreting this bill which I believe is one of the shortest bills ever presented to this House; that the debate on it could have lasted this long, I would simply not have believed it. And more especially Mr. President, since we had already spent one full day in Finance Committee debating and going into the details of the four projects for which the funds of the loan will be financing.

I remember in the Finance Committee the Honourable Prime Minister Member for Middle/point a series of some twenty nine or thirty nine questions through the Clerk of the House on the headings of the finance Committee dealing with these four projects. And as far as I know those questions were engaged enough the matter of presenting the estimates to Finance Committee, which you are now dealing with Mr. President. So it's not that the details of this loan has not been dealt with, we went through it thoroughly, and I thought that Members had agreed that the increase in the loan facilities was reasonable, and that it would be supported. To be quite honest with you Mr. President's Unsatisfied law had been passed by the Assembly already, but I remembered afterwards we decided to have it for the Budget Session.

Mr. President, first of all I would like to say that the economic development of this country was not designed by anyone. I would say that it is rather a good systems which came up these islands. It is something which we decided to decide, to guide and to control, and this Government became very conscious of the need to implement a programme of capital development in 1961, 1964, and it was this Government which set out decided on a capital programme. A capital programme placed over five years and in that programme was listed all the projects that are now being implemented. Mr. President, the legislative Assembly had agreed to the programme, the Legislative Assembly had agreed and given its blessings to the expenditure, and the Government was requested to explain the funds wherever and however possible to finance these projects. There was a portion to come from local revenue, and that would be raised from customs, revenue and new revenues to be introduced. These was the portion to come from British Development Aid, and there was the portion to come from loan to be negotiated by this Government.

Mr. President, at that time the British Government came forward and there were certain principles which had to be agreed on in order for British Aid to continue. And I remember that certain principles were one the Budget of revenue reserves which this Government should carry, the other was the level of expenditure on the servicing of national debts. The British Government after many discussion agreed that this Government should carry a revenue reserve balance equivalent to three months revenue collection. It agreed that it was reasonable for this Government to spend at least ten percent of its recurrent expenditure on the servicing of national debt. So when the Member mentioned that we were now spending as we would shortly be spending eleven percent of gross income and national debts, and that this would see us into trouble. I don't see what sort of trouble we would be getting into. We're spending about eleven -twelve percent in education, so there's no reason why ten percent can't be spent on servicing of national debts. Especially in a developing country this is a principle that is used and the guideline that is used by most countries today.

Mr. President, a Member mentioned that the spending grounds were based on principle and sense. I would have liked Mr. Speaker to explain the principle which he was referring to, because to my mind that principle was the policy which was set by this honourable House, and if we are going to question that policy then we are going to question the integrity of this House, and we're going to question the integrity of the Members of this House who put that policy together. As far as the sense is concerned, I am sure that Members above that every precaution is being taken to ensure that

HON. V.G. JOHNSON (CONTD): sums to Cuba are spent in the right direction. I know that there are areas for better control everyday chosen are going looked at. I mentioned to members already that personally I am not happy with just having contractors and consultants to make their representations to Cabinet. What we were seeking, consensus to advise Government on recommendations submitted from both contractors and consultants, and that in the very near future we hoped the British Government would provide services under Technical Assistance to do this. At the present time we employ consultants and we have to depend on consultants because they're government appointed agents to advise us on these various contracts, and if we have no confidence in consultants then the thing to do is to dispense with their services, to dismiss them. We have not found it necessary to do so yet.

And Mr. President a great deal has been said about the loan law, and the original sums which were negotiated. I think one of my drawbacks is that we in these small islands are not aware sometimes of what happens in the outside world, we're not aware of what happens in the case of contracts in other countries. I think generally that we have been doing very well so far as our contract jobs are concerned in the Cayman Islands, so far as the increasement is concerned, especially increases which we had to make over the last few years in a period when inflation and high costs were really a terror in these areas. I have known jobs in other countries under contracts to escalate upwards sixty percent in costs but I'm sure that we can consider any of our jobs here in recent time there's none of them that have gone to that extent. In 1970 when these projects were thought of the costs were equivalent to the costing of these days to the value of money in those days. In 1973 when we presented this loan law and requested a sum of five million dollars to cover the four projects. That based on costing in 1973, and the value of money in 1973, we're looking at the costing of 1975 and the value of money in 1975. But I'm sure that every Member of this House is aware of what has happened in recent years. So Mr. President it's only fair to us to die here and argue about an increase in the loan law from five to eight million dollars. The details of this were given in Finance Committee and they answers for it. And the accusation that Government asked for a small sum of money at first and then came back to ask for bigger sums is incorrect, it's not true. Every application that comes to this House is a true application, an honest application. It is when we see the need to increase the cost of anything that we come back and tell you about it, nothing is hidden.

Mr. President as I've said it was surprising to see how long debate that ensued, and I think every Member of this House except the Official Members spoke on it, and the debate was far-reaching in some respect. However, I'm sure that the impression here on the majority feeling is that this Bill should be supported, and so I would again ask all Members to give every support to the Bill. If the funds are not required I can assure you that they will not be spent, there is no need to implement the project at this stage, I can assure you that it will not be implemented. But I think it is necessary to have the facility to allow these sums if and when they are required. Thank you Sir.

QUESTION PUT: AGREED: BILL GIVE A SECOND READING

COMMITTEE THEREON

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.F. MILLER

QUESTION PUT: AGREED: HOUSE TO COMMITTEE

CLERK: CLAUSE 1. SHORT TITLE. QUESTION PUT: AGREED, CLAUSE 1 PASSED

CLERK: CLAUSE 2. SECTION 2 OF THE 3 OF 1973 AMENDED, QUESTION PUT. AGREED, CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE LOANS (FURTHER PROVISION) LAW, 1973
QUESTION PUT: AGREED: TITLE PASSED.

SCOPE REQUIRED

REPORT STAGE

BY HON. T.T. CONNOLLY

CLERK: THE TOWN IMPROVEMENT PROJECTS: THAT, 1973 (AMENDMENT) BILL, 1975 BEING READING.

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. WALTER

QUESTION PUT: AGREED.

MR. PRESIDENT: To move on to Government Motion No.3.

GOVERNMENT MOTION NO.3 DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1975

MOVED BY HON. V.G. JOHNSON
SECONDED BY HON. D.V. WALTER

QUESTION PUT: AGREED UPON AND DEBATE

MR. D. HEAD BERRY: Mr. President, I have to offer my observations on this motion. I realise that the third official member now at his fourth post is feeling a bit like Custer when they arrows were flying at all sides.

I'm not sure Mr. President, whether you're going to rule a Call Comrie back on, or whether you'd want me to continue with it now. Because I was just prescribing an initial objection.

HON. V.G. JOHNSON: Mr. President, I rise to speak on the motion before.

THE PRESIDENT: Yes I was [illegible] the Honourable financial Secretary to introduce the motion and thereafter which has been done. I think the honourable financial Secretary presents his motion then it can be open for debate.

HON. V.G. JOHNSON: Mr. President and Honourable Members, this motion is to present an amendment of the schedule to the principal Planning Regulations which provides for fees on applications to the Central Planning Authority. Under the law any regulation or amendment to the regulations must be presented to the legislative Assembly by motion to be approved by the Legislative Assembly. And so the Draft Amendment Regulation is also attached to the motion which sets out the recommended increases to the fees under the Regulations.

Mr. President, this is one in the series of new measures which have been required in the Budget Address and brought to the attention of the Finance Committee on the new revenue which were dealt with a short while ago. The New Revenues which will total approximately a million dollars were included in the Budget, and that Budget has been accepted by Finance Committee. It was the appropriation Law now has been passed by this House which the value the Estimates of Revenue and Expenditure. Therefore it was without saying that although Members may express their views as they wish on the remaining measures to be introduced, yet I would like to remind this House that the Revenue bills to be dealt with are a part of the Budget.

The recommendations here, Mr. President for the increase of the fees under the Development and Planning Regulations were examined in the most thorough way and other economic measures, and if we are going by percentage in the increase I am happy to inform the Members that these increases are not in excess of average over fifty percent. They were considered reasonable since the fees have not been revised since they were introduced in 1971, and it was thought that there was grounds for recommending the increase at this time. I am

HON. V.G. MEMBER (COCKPIT): Never now that there will be objections to the proposal from the opposition, but we are beginning to accept this as a part of life in here. We only know that there are other Members who really will give their due consideration to the purpose behind these measures, the need to support these measures, the fact that these measures have already been included as a part of the Budget, and also that the Government is not attempting to take advantage of the public in any way. These were looked at in every respect and I doubt very much that the proposals will be harmful to any extent. As I said in the Budget Address and on many other occasions taxation is not a nice word, and people would rather not hear it, but it's inevitable and it is something we must accept. In the Cayman Islands these come in a milder form that we find taxation in other countries, and what we must be conscious about is the fact that our system of taxation will not change to what we find it in other European countries.

Mr. President, the recommendations are straightforward, I would therefore ask Members to give it their every consideration. And I hope that the views will not be influenced by the fact that attempts to oppose the motion. I will ask all Members to give it every consideration.

MR. PRESIDENT: I shall read the motion as now seconded for clarity:-

WHEREAS it is desirous of adjusting the scale of fees established in 1971 by regulations made under the provisions of the Development and Planning Law, 1971 and,

WHEREAS it is a requirement under Subsection 4 of Section 3r of the Development and Planning Law 1971 that no regulations shall be made pursuant to the provisions of the said Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the Legislature thereof,

IT IS RESOLVED that this Honourable Assembly approves the Draft Development and Planning (Amendment) Regulation, 1975 which has been laid before the Legislative Assembly.

Debate of course can take into account the content of the Draft Regulations. The motion is now open for debate.

HON. JACK M. JACKSON: Mr. President and Members of this House, I rise to support this Motion. Each and everyone of us know that if we want something we have to pay for it. This Government has a lot of demands on it, everybody wants everything, as my friend always says the hand in the pocket is Government's pocket. Well when you put your hand in your pocket you expect to get something out, something must be that pocket to come out, that I am going to support this measure because I feel it will not be too much of a hardship on anybody. Any person that is handy to build a house how to find first how much the cement, the sand, the zinc, windows. Now they can find money for all kind of they even have to get it from the banks, how can find this fifteen or twenty or twenty five dollars the easiest be, if the large projects the most applies, if they can find the balance of the money they certainly can find this amount to put into Government's pocket.

In other countries people who receive as six seven hundred dollars a week, when they carry home fifty percent of that amount the balance goes to taxes to support their government. Well those people might get more returns if they live long enough to get married officially, but they have to deprive themselves, if you want to call it deprive, to get the money to put the governments out to find money to pay other things. And this Government is not unique. There's no country that I know of anywhere that can ask for silver or gold to pour into and they'll just line it. You have to find ways and means to get this money. But so long as we are not trying to torture anybody, we're not trying to oppress the poor by ignoring the rights of Government, we are trying to get money to let this Government run in a good

MISS JANICE M. BUCKEY BOOKER: ...sidable traffic, and I'm supporting this measure. The only thing I would request is this is beside the privilege that this Planning Board ~~has~~ has not any prejudices against anybody that they give every body that makes application a fair deal and not because somebody might want to build a mansion they get the permission where others who might want to build something very simple. All they can afford, each one be given the same consideration provided that they follow the law. Thank you, sir.

MR. JOHN LETTERESE: Mr. President, I view in support of this Amendment Regulation, Development and Planning, I see the cost of even single family or duplex $10 all other applications up to $50,000 $10. I don't see anything in that to hurt anybody, and it seems that we have to find ways to bring some money into the city, I think this will be able to do it without affecting any real problem in any particular sector of our community.

I will take the opportunity to say this to President, while I support the action in total, I feel that there has been far too many complaints about the way in which applications are processed by the Planning Department or the Planning Authority. I don't believe that any authority of course in this position will ever be in a position where they can do things without being criticized, and I for one do not ascribe to notions up a box or a board and then afterwards getting in to try to bumper with its operations. I think every Statutory Board that's set up must have powers and I agree with that, but what I'm saying, I think that it is time that we look closer into this, and make sure that the Planning Authorities are giving every consideration to every application being made. And those crazy the body Booker talks about, rumours on the street, people's opinions on the street only that in the courses of this country this year that a group of people or a person made an application to build high rise apartments and they were turned down. I don't know the reason they were turned down, and if they were could find for good reasons well and be so, I'm not worried about it, but I know there will have to be times when things will have to be ruled against but I'm saying that it's time that we look close to make sure that every application is judged on its merits, and that in relation to this Board or any other board or any other department shouldn't at least when an application is made or letter is written they ought to have at least as much decency as to reply, whether it is yes or no. I'm saying I suppose the Motion, but I'm asking that a closer look be given to make sure that all the complaints that have been made, the discrepancies that have been raised I don't know whether they're legitimate or not, but I'm saying it is time to look at some of these things and make sure that it is operating in a fashion ... with people to be favourable to the public at large, and to the people that make applications.

I suppose it is up to you, I'm valuing my feelings in relation to the Board, I feel that there have been so many objections, there's been so many people that are rising up against this that we must look just to make sure it is running the way that it ought to be. Thank you very much.

MR. PRESIDENT: We might suspend proceedings now for fifteen minutes.

MR. [illegible]: Mr. President and honourable Members, I rise in support of this Motion. This Motion seeks to amend the Town and Development and Planning Law of 1971. At least that to increase the ... Town since 1971, and it ~~has~~ is considered by some of the Members during the Finance Committee. I wholeheartedly support this Motion this

Mr. President I think that it is time ... a look is taken into the things, which the Board had an application before it, quite a lot of matters have arisen, and I don't know if the blame can be placed before the Board or whatever is wrong, but it appears to me that something is seriously about it. This Motion plainly asks for this reasonable increase approval of the government to an increase of fees which I think in my mind very

MR. CLAUDE Kirk (Continued): ...my constituents. We have to get money from some source to carry on the functioning of our Government on these islands, and I think that this is one of the measures which I can wholeheartedly support. I thank you Sir.

Mr. W. Mark Romney: Mr. President Honourable Members, I stand against what I call the exorbitant increases under this motion, however I like to see this matter come before the House. This Motion has only come to the House because Section 36 of the Interpretation and Planning Law says that it must come. But ever since I have been a Member of this House I have been fighting to have it inserted in our Laws that Regulations especially those concerning fees should come before the Assembly for approval. It is very unfair to the public for Executive Council to be setting fees and increasing taxation without the other Elected Members having any say. We have seen quite recently that certain laws have been introduced by Governmental proprietors by Executive Council without the other Elected Members having any say at all. We have seen the taxes on liquor have doubled just when the postage rates increased and I could go on to name some more. As fast I would like to point out a long and embarrassing list if I wanted to do so. And why are these taxes increased by Executive Council, it is not their fault it is our fault, it is the fault of this House that gives them the authority to increase taxation without the approval of all the Members of this House. I stand firmly against this, yet every law that has passed since I've been a Member has in it that the Governor in Executive Council has the right to make regulations under the Law.

It is my understanding that sub-section (2) of Section 36 was not inserted easily, this right of the people was not upheld easily, it came about in a very hard way. There were many objections to the Development and Planning Law, there were many objections to the Regulations accompanying that law, there were Representations, there was an opposition and in order to pacify the public, in trying to placate the public it was inserted in the Planning Law that Regulations would have to come to the full Assembly for approval. But as we have very one instance where the Regulations must come to this House for approval. This is an exception, and a very singular exception this time, but it is good, and I welcome it. I only wish that all the regulations concerning fees would have to come to this House.

In the Motion I noticed that a new word has been used for increasing the fees. In the first Bill we had it was stated clearly that we would be increasing the fees, then in succeeding bills it was written that it would be varying the fees, and now in this Bill I see we are adjusting the rates, and perhaps in the future we will be rationalizing fees. But whether we use the words increasing, varying or, adjusting or substituting whatever the case circumstances, we are increasing fees. I know that I'm a severe critic of government and it could probably get along without such a loquacious critic, but I feel that it is necessary in the interest of good government for Members to point out flaws in the Laws that they will be considered. And while I have not been able by my vote to sway the balance of power in this House, I know that by my continual criticisms I have been able to change many things, and I am delighted to see that in the meetings and the sittings since that there has been a continual improvement in the Bills and the policies presented to this House, and I know that I am having my effects.

One Member yesterday mentioned about some meeting on West End, and about there being a purpose of setting up a seminar to educate people in politics; and I would trust that if this is established that Members of this House would take advantage, because they would learn something about the constituencies of opposition or Government Members.

In dealing with this Motion my objection is to the amount of the increases. The Financial Officials Member constantly pointed out that the percentage increase is but four fifty percent. But of our examples this Motion one will see that while the percentage increase is not very much, the monetary increase is substantial. But I only have to call your attention to one or two items. Let us take the matter of Boats, the recommended increase for the licensing fees is $10, we hear the Member for Virgin talking about the three hundred boat label, that means that for a three hundred boat label there

MR. G. MAIC ZIRKEL (CONT'D) will be substantial revenue at the new rate of forty dollars per annum. If we look at commercial buildings we see that the rate has gone from five dollars to $7.50 per proposed square foot, this works it to not just a $2.50 increase, but it's $7.50 per square foot increase. When we look at apartment blocks we see that the fee for planning is not increased by twenty dollars it was forty dollars and it's now sixty. But it is increased by twenty dollars per apartment, so overall there is a substantial increase. If we look at the clubs, social clubs, churches and other buildings of that nature we see that the fee is not simply doubled from $2.50 to $5, but it is $5 per five square feet, now I understand it was $2.50 per hundred square feet. But the point I'm making to Members that these increases are not as impressive as they seem, it is not an increase of $2.50 on a fifty a month, but an increase of $2.50 per hundred square feet. If we look at residential buildings we see that the fee has gone from seventy five dollars for three bedroom buildings over fifteen hundred square feet. This means that most of our houses would fall into this hundred dollars per house, because the normal size is under fifteen hundred square feet.

If we look at subdivisions if we now consider paying a fee of thirty dollars, it is a fee of thirty dollars per lot. Many of our subdivisions contain one hundred lots or more, so that here for a hundred lot subdivision the fee for planning approval would be three thousand dollars. But if we examined page by page of these items we will find that the increase although it looks innocent on paper if it is considered in detail will be very large increase of money for those people seeking planning approval. Some Members utilized the opportunity of this debate to criticize the Planning Authority, in fact I nearly fell out of my chair when I heard the Member from West Bay attacking the Planning Authority. The way I've looked on that subject, and I've only dealing with the fees in the interest of a structured debate. Thank you.

MR. JAMES M. BODDEN: Mr. Speaker and the two Members I raise objections to these Motions, I would not be consistent if I did not because I objected in the Finance Hearing or the voting of money for this Department. In fact I would like to see them operate on a budget of about fifty dollars a year. That doesn't mean that planning is an asset as we need, but I object to it in the manner in which it has been used in this country and the role that has been made to many people and to whom people. I will agree with the Third Official Member that the percentages of increase are much less than this, than it has been in some of the previous bills because we do have a low in some of the fees ranging up to a hundred percent. But we must consider one other thing about this, if a person puts an application to build and pays his fees, but that plan is turned down he may be not refundable to him at all. I don't know whether the Chair would rule on a point of order that, but to me it doesn't stack fair.

The planning board in its operations has continuously acted likewise, it is a department that probably has had the most criticism of any department in government. Because in so many cases it has circumvented a person's rights to what exists. It has taken his assets and removed certainties, and that is why I would not stand in the square and be in favour of voting money for this department. We have many large cities in the world that operate today without planning departments, you we can only think of we don't realize that if it continued to a reasonable edge, that we are headed to complete destruction. Well you can look around this island, it's only been in the last few years the planning department has been in operation, and there are some things I know we could criticize, but the island has not done all that bad and they didn't have the experts to advise them.

I am pleased as my colleague mentioned, that he was to know that although it was a hard fought battle to have certain limitations in this law that it does have to come back before this House before the fees can be increased, that in and of itself is in view of the other bills, because we had a built in skeleton type of legislation in front. It is true that coming before this House again does not help much, because the principles of support either all over the room, so it's more or less a fair average I what it derives in the House. The only chance that anything can be done about it would be if my

Mr. Speaker, I would like to say that I am against the power to talk for days and the power to put some of the motions before it where we could get enough votes to put it through. I would remind the Members of this House that they have a lot, and they speak a lot about our objections; but we have to object one hundred percent in order to get one hundred percent of success, because here has decided it to be that way in this Legislature

Mr. President, I would not go along with the increase in this, because in many areas I think it's unfair, the main thing I think is that the Planning Department and the Planning Law of Ireland is certain, and until those two things could be changed I would never be able to vote my conscience to vote one penny for this department. I've had to take that stand in the past, I will have to continue to take it in the future. Whenever our government can approach planning in a fair and equitable way I too will support it, but as long as the iron hand of authority is going to force something down the people's throat and like many what is this with given rights I can never support it, and the only thing I'm sorry of is that there isn't fifty cents appropriated in the budget for the next year's maintenance of the Planning Department. Thank you.

MRS. M.M. CONNELLY: Mr. President and Honorable Members, I rise to support this Motion, much has been said surrounding it and the workings of the Board, yet all we have heard is support for the measures given here. One thing I would just like to mention and probably the Third Official Member on winding up will cover, but I believe the Honorable Member from Dublin-West said that in the case of social clubs and giveaway and shopping, I think if we people the document correctly, the chances are remarked, and there're no charges for that, and just as well the records are right.

We have had quite a bit of discussion on the functions of the Board, whether they're fair or unfair, but I imagine that would be the situation regardless of who you would put on the Board, you would have to have human beings on the Board, I don't think we can find a computer system here. And while what is done by the Board is matched with the likeness and the dislikes of individuals/the matter of our opinions, my opinion might be different from your opinion and I guess it's a good thing that it is. It is pretty difficult for a Board any Board to do whatever action is taken, and when you have to sit down and select members for this particular Board it is very difficult that their action is going to please everybody. I would venture to say that if this Board were going to please everybody, then their actions would be nil.

The matter came up by one Member about the apartments, and most likely an application for apartments would have been directed to the Department of Tourism for approval, and I know of no apartments that have been turned down, in fact as I mentioned here on several occasions I think the Planning Board has been blamed for the lack of building in Tralee today, and I don't think that is the case, because I checked into this myself, and I've found that at the present time there's over fourteen million dollars worth of approved planning, over fifteen million dollars worth of planning that has been approved and no work is going on. There have been hotels, there have been condominiums, there have been duplexes, there have been townhouses, that approval have been given, all some of those approvals are going to be put out in the near future, and yet not one ink has been put. And what I have been told when I enquired from the developers, financing is the problem, it wouldn't be the Planning Board when they have all their permissions full planning approval. Some of these projects have only applied for an approval in principle which they have got, others have full approval, but no work has been done.

Planning is a very controversial issue no matter where it is and in what country it is, and I'm not going to take issue with certain Members here, but I remember it was been handed around here that there was a certain city in the United States that had no planning regulations, a large city, and I believe the name of that city was Houston. I figure out, I think that by the way, because I thought the Member knew what he was talking about. But just for records sake I listened to be in Texas and there was a big feud going on between the planning authorities and the city of Houston,

HON. P.W. DUNCAN (cont'd): and the developers over a total complex, supermarket and something else. So I can assure you that the word 'plan' was no planning as this big city, but there is planning there, and I can assure you how any place can develop without a degree of planning. In some places I know of no planning, some places planning. I believe that for the success of this country we must have planning, and I believe all Members here agree that we need planning. Despite the defects or despite the decisions of the Board or what not I believe that it would be unwise for us at this stage of our development not to have planning.

The reason for this Motion is for instance this, it's put to us whether we should have planning or not, because the law is there, and Mr. Fraser and Mr. Hennessy think that the fees here seem to be reasonable fees. One thing has been stressed and this I think that this has been done [illegible], and that is that the Executive Council makes these regulations and went not for the benefit of these people who are within the city of these offices. Naturally the honourable Financial Secretary as the Member responsible for finance has to work ways and means of finding these [illegible], he has set up under his department a Committee comprising of Members from this House, some from this side and some from that side, also make recommendations, who from time to time, make recommendations on ways and means of increasing revenue.

When a measure comes up for consideration naturally the Honourable Financial Secretary with his department has looked into the whys and the wherefores of all of this. It has been carefully scrutinized, and surely each one of us would want not to pay any form of tax, but call it what you like, if we want the amenities, if we demand the material things of life we have to be prepared to pay for them. And I am not against taxation. I believe it's a good thing if it's done in an honest way. I have known that if I should criticise something I should be in a position to offer an alternative, in all the criticisms here of the revenue measures I have not heard either Member come up and say, no we shouldn't put any tax on this, we should put it on clothing, or we should put it on land, or we should put it on horses, or we should put it on something else. There has been no alternative arrangements suggested. And my feeling is, that when I criticise and I say that this is a bad thing for my people, then I should be in a position to say, we should put this some place else. I believe that the measures that have been suggested are the measures that will do the least bit of inconvenience, or embarrassment to the most people in these Islands. Any increase in revenue measures is bound to affect some people, and it's going to affect some people more than others, so the measures here seem to be reasonable.

We have a Planning Law, we have a Planning Authority, it is costing the Government money to maintain them the Authority, more to maintain and to supervise the transactions of these developments and Secondly how can anyone object to it will be an increase. To some looks after the figures down here I see very much concern was taken of the Agricultural Buildings and this law is a very small fee, this few cases into consideration these taxes people who go into agriculture would need probably a greater amount of benefits, and it does that. Mr. President, I support these measures, and I would hope that these will in no way retard any real interest or desire in the future development of these Islands.

MR. SPEAKER: Does any other Member wish to speak on this Motion? I shall ask the Honourable Mover whether he wishes to reply.

HON. V.G. CORNISH: Mr. President, Honourable Members, there is scarcely any reason for me to reply other than thanking those Members who supported the Motion, but I want to most specially thank those two Members who opposed it, since their voices were not heard very long.

Mr. President, there was a remark made that there were all these amendments introduced by Executive Council. There are certain legislations made in Executive Council, and all draft have to passed through Executive Council and presented to the Legislative Assembly. I

HON.V.C. JOHNSTON (COOK): I don't think the question is correct, that there's unreasonable increases accepted by Executive Council. The fact that the Legislature recently by majority decision accepted all the revenue bills presented here is an indication in itself that the bills were not unreasonable, and therefore I think it can be termed a reasonable concession by Executive Council.

Speaking about the Central Planning Authority and the expressions of dissatisfaction with regards to applications and so on, I know that the Authority has been trying hard to expedite applications and to assist applicants in many ways. No applications have been refused in respect of high rise buildings anywhere throughout the island just for an example. And as the Honourable Member was quite lately questioned about fifteen million dollars in value of building applications have been passed so far this year. Many of these applications have not been implemented because of the recession, so I don't think anyone can reasonably attach any blame on the Central Planning Authority for this, or to Planning in general. I think the Authority has done its very best on this respect. I think we have to await the end of the recession and the beginning of another boom in order to see what will happen in the coming years.

Mr. President, I would therefore ask Members to accept the Motion as put forward with the recommendations attached for there as it does under the Development and Planning Regulations. Thank you Sir.

QUESTION PUT: AYES AND NOES. AYES. THE MOTION WAS PASSED BY MAJORITY.

MR. PRESIDENT: Perhaps this would be a good time to suspend proceedings until 2.30 this afternoon.

HOUSE SUSPENDED

DOORS UNLOCKED

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

THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL. INTRODUCTION AND FIRST READING.

MOVED BY HON. V.C. JOHNSTON
SECONDED BY HON. D.V. KUTLER

QUESTION PUT: AGREED: BILL INTRODUCED AND READ A FIRST TIME.

SECOND READING

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL SECOND READING

HON. D.V. KUTLER: Mr. President and Honourable Members: Object of this Bill is to give effect to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, that is to any foreign Arbitral Awards which Convention was adopted by the United Nations Conference on International Commercial Arbitration on the 10th of June, 1958.

The Convention which the United Kingdom was a party, provides for the enforcement in the courts of a contracting state of arbitration awards made in another contracting state. Before this can be done however, it is necessary that there should be enabling legislation in the contracting states to give effect to the Convention. Now under Article XI of the Convention, any contracting state may at the time of signature or ratification or accession to the Treaty declare that the Convention shall extend to all or any of the territories for whose international relations such state is responsible. And the United Kingdom Government which is about to accede to the Convention, and which is about to pass the enabling legislation in the United Kingdom has requested us, the Cayman Islands to indicate whether we

Hon. C.B. WOLLASTON (Cont'd): ...would like the Convention extended to the Cayman Islands. And the Cayman Islands Government considers that it would be desirable for this to be done, and requirements that the extension be made.

Now the Bill Mr. President and Members, is based on a similar Bill which is being or has recently been presented to the United Kingdom Parliament. Clause 3 of the Bill provides that a Convention award shall be enforceable in the Grand Court in the same manner as an award made by an arbitrator under Section 12 of our Arbitration Law. In other words a Convention award made in the territory of another contracting state, say in New York or any other country, Canada or in any other country that is a party to this Convention may have the arbitration award so made in that territory [illegible] Convention award enforceable in the Grand Court in the Cayman Islands, and it will become enforceable just like an award made under Section 12 of our Arbitration Law.

Clause 6 provides for the evidence which must be produced by the person seeking to enforce the Convention award in order to satisfy the Grand Court that it should be enforced in the Cayman Islands. And Clause 7 contains various provisions which empowers the Court in those circumstances to refuse to enforce a Convention award.

The Bill I think, Mr. President and Members, is non-controversial, and it is a good step forward for the Cayman Islands to be in a position to have these Convention awards enforced here, particularly having regard to our business activities, and to the international corporate transactions taking place [illegible] and I commend this Bill for the favourable consideration of members of this House.

SECONDED BY HON. D.V. WATLER.

QUESTION PROPOSED. DEBATE INVITED.

HON. ANNIE M. HORSEN: Mr. President and Members of this House, I can only say that if this Bill has been recommended by Her Majesty's Government as it has been then I am sure that they've taken care to do. So I have no comment on it other than it has powers to be say it's a good Bill for us to have a look again with the Bill.

HE. PRESIDENT: Any other speakers on this Motion, then the honourable Attorney General wish to exercise his right to reply?

HON. C.B. WOLLASTON: Mr. President and Members, I'm glad to see that we have the unanimous approval of the Lady Member of the House and the Speaker, or the other Members. Then so I ask Mr. President that this Bill be read a second time.

QUESTION PUT. AGREED. BILL READ A SECOND TIME.

COMMITTEE STAGE

MOVED BY HON. C.B. WOLLASTON
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED: BILL A BE AMENDED

CLERK: CLAUSE 1. SHORT TITLE
QUESTION PUT. AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2. INTERPRETATION.
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3. APPLICATION.
QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4, STAYING OF PROCEEDINGS.
QUESTION PUT: AGREED. CLAUSE 4 PASSED

CLERK: Clause 5. Grant of Concession Awards.
QUESTION PUT: AGREED. Clause 5 agreed.

CLERK: Clause 6. Exclusion.
QUESTION PUT: AGREED. Clause 6 agreed.

CLERK: Clause 7. Refusal of Registration.

HON. C.E. WALCOTT: May I suggest a slight amendment to paragraph (2) Mr. Chairman. In the third line of paragraph (a) " registration of trade marks" should be "submission to publication". You change the "of" to "to".

MR. CHAIRMAN: Is there any objection to the amendment substituting the word "to" for "of" the second word in the third line of Clause 7 (2) (a).

QUESTION PUT: AGREED. CLAUSE 7 AS AMENDED PASSED.

CLERK: A LAW TO PROVIDE FOR ENFORCEMENT IN THE ISLANDS OF CERTAIN FOREIGN COPYRIGHT ORDERS.
QUESTION PUT: AGREED. TITLE PASSED.

HOUSE RESUMED

REPORT ADOPTED

HON. G.F. BODDINGTON: Mr. Presidents, I have to report that a Bill entitled THE FOURTH Amended AMERICAN COPYRIGHT LAW was considered clause by clause by a Committe of the whole House and passed with one amendment. The amendment being the substitution of the word "of" for the word "to" in the third line of paragraph / paragraph. (a).

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

THE PATENTS AND TRADE MARKS BILL

CLERK: THE PATENTS AND TRADE MARKS BILL 1964 ENTITLED AND FIRST READING

MOVED BY HON. C.E. WALCOTT.
SECONDED BY HON. D.V. WATLER

QUESTION PUT: AGREED. BILL ENTITLED AND GIVEN A FIRST READING

SECOND READING

CLERK: THE PATENTS AND TRADE MARKS BILL SECOND READING

HON. C.E. WALCOTT: Mr. President and Members in recent years numerous inquiries have been made on behalf of overseas trading and commercial interest, at my department, the Attorney-General's department, and also at those departments dealing with commerce with respect to the protection which would be afforded in the Cayman Islands to the holders of trade mark rights which were registered and in respect of patents which were granted in other countries. In respect of all of these enquiries we've had to inform the enquirers that the position as regards the Islands was not in a very position so far as the various ways concerned, for the reason that there is at present no law with respect to the registration of trade marks in the islands, and consequently no protection can be afforded here to holders of trade mark rights registered in other countries in respect of any infringements which may be committed in the Cayman Islands.

With regard to patents it would appear that some protection may be afforded by virtue of the Jamaican Patent Law Chapter 254 of the Jamaican Laws which although not included in the Revised Laws of the Cayman Islands appears to be still in force in the Islands by virtue of section

HON. G.S. McGUINNESS (Acting): ... of the Register ... laws of the Cayman Islands law. But that is a very unsatisfactory method if I may say so Mr. President and Members, of dealing with the matter, because when the Foreign Patent Law is looked at it becomes quite evident that its application to the Cayman Islands would be an extremely difficult and complex affair. Accordingly, it is considered that the time is now opportune for the enactment of our own legislation dealing with trade marks and patents, and to this end the attached draft bill has been presented to the Legislature.

The Bill provides, Mr. President and Members, a very simple method for the establishment of a system of extension to the islands of the effect of United Kingdom rights which would afford to the owners of United Kingdom ... [illegible] trade marks similar the right to register ... of such rights in the islands, and to maintain the validity thereof as ... they have in the United Kingdom. By doing it in that way it will not be necessary for us to set up the extensive and complex machinery of registration of trade marks which requires a very specialized organization with a ... lawyers and notaries of the kind. But by doing it in this way we avoid that ... all that ... [illegible] ... necessary ... [illegible] ... compulsory protection to the Registrar who will be appointed under the law if the grant of a patent or the registration of a trade mark in the United Kingdom [illegible] patent or trade mark in the country by which it is registered were, and thereafter the holder of the patent or the trade mark right will have all the rights which he would have in the United Kingdom. That is to say if there is an infringement ... he is a person to the Grand Court with an action to restrain the infringement and given necessary to get damages for the infringement.

A notable ... feature of the Bill, Mr. President and Members, is clause 17, which requires that recordings made in the Registry are to be published in the Gazette, and make such publication ... prima facie evidence of the recordings. And apart from the increase in ... [illegible] ... that should give world wide distribution of the Gazette among ... [illegible] ... class of the international business community, because the holder of the patent or the trade mark will require a copy of the Gazette in order to produce ... prima facie evidence of his registration. I might say, Mr. President and Members, that the Bill has been prepared after a great deal of discussion with the Foreign and Commonwealth Office, originally there were certain objections ... to combining patents and trade marks together for which the Foreign and Commonwealth Office thought were good legal reasons, but were able to persuade them that the ... as we presented it can ... be satisfactorily administered and although the Foreign and Commonwealth Office was following the precedents of other ... countries ... [illegible] ... the Falkland Islands which had separate Bills dealing with trade marks and with patents ... [illegible] ... were eventually able to convince them that there could be a satisfactory combination of both, and they eventually approved of the Bill as now presented. Most business, Mr. President and Members, like this Bill is a most commendable, it is a useful addition to our Statute Law and should go a fair way towards putting the Cayman Islands in line with other progressive countries which have their own patents and trade marks laws. And I recommend the Bill for the favourable consideration of this House.

SECONDED BY HON. D.V. MILLER.

QUESTION PROPOSED: SPEAKER SPEAKS

MR. D. ERIC BODDEN: Mr. Speaker, now that my support has arrived I believe I'm in a position to put in some appearance on this Bill. We have took the previous Bill went which took little debate. That ... [illegible] ... under the Development and Planning we went with the little debate from Executive Council, in part it was only necessary to have one of the Bills ... [illegible] ... to help support the Chief Official Member in his presentations. This is in contrast to the debate on yesterday's ... [illegible] ... required all the previous ... to be drawn out. And so that the Second Member may know that we're still present in the Chamber, I will endeavour to prevent the case as seen by this side of the House. But even without my own ... [illegible] ... works, even if circumstances had not demanded that I take them, I would most certainly have to oppose some ... [illegible] ... of this Bill.

First of all, this Bill discriminates ... [illegible] ... back

If a Bill should in favour of United Kingdom patents and trade marks and this is wrong, we should not have this type of legislation. I fully believe that this Bill should be extended to other countries within the Commonwealth; I can think of say, a dozen like Canada. It should also be extended to other countries within the Common Market, since we are now a part of the Common Market and it should also be extended to the United States of America. The reason for my contention is that these countries are now the world leaders in developing new inventions. To the Common Market countries of France and other European countries, whether we like it or not they are way ahead of the United Kingdom in the inventions and patenting of new inventions. The same could be said of the United States and Canada, and while I hold great respect for the United Kingdom in the way it once led the world in inventions, I'm afraid that can no now in the ending, and for one thing the political climate in the United Kingdom with their lack of dynamic leadership is no longer conducive to any large flow of new inventions. Furthermore, there is no protection in this law for inventions that may flow from within the Cayman Islands, and I think this is a disgrace. This is not as far removed as it may seem.

During the early part of last year I had a very intelligent young man come to me and discuss having what he thought was a worthwhile invention patented. In fact what he showed us as he explained it was really an improvement on an existing patent, and he asked me what he must do with it, and that caused me to do a great deal of research into patents, and he eventually took his drawings and his specifications and the whole notion to a patent office in the United States. Unfortunately this young man is no longer with us. But there is a possibility that this particular invention of his may now fly be patented.

This legislation, in my opinion, is not any unlike the type of legislation we will need for the registration of foreign ships in the Cayman Islands. I am not going to accept the cause of the registration of ships here, because I think we have done that quite well in the past. But what makes me is how easy it is for our Legal Department and for our Legal Draftsmen and Executive Council to present a Bill for something that they want to accept or not. I never heard any talk at all about the Patents and Trade Marks Law, I never even heard it has been in the pipe line, I never even heard it was been in the making. The first I knew about it was when it was presented for this sitting of the House. And the point I would like to make is this. The remarkable ease with which a type of legislation such as this can be presented to the House is a great wonder to me, and I would like to see this applied to other bills especially that registration of Ships. I am quite aware of the difference between the registration of ships and registration of patents, and there are differences, and these are difficulties, but these are very minimal ones. And if this is as easy as that seven page Bill makes it, there can't be changes in the way of the registration of ships.

The Second Official Member in presenting this Bill made much of the extensive machinery that would be necessary if we set up a full patent office here, and he gives that I think as one of the reasons why we will get very few registration of the United Kingdom patents. He also stated as the reasons for the representation for this Bill that there have been enquiries about patents. The registration of patents and generally this was so low. I'm wondering if those enquiries were confined to United Kingdom enquiries, or if he had any enquiries about protection for patents already registered in other countries. I don't believe this section of the Bill, or the Memorandum which says that the establishment of a separate patent and trade registry here is not a practical proposition, since the considerations attending the original grants and registrations are highly complex and require access to comprehensive libraries.

In seeking the establishment of a patent the inventor has to do all the donkey work, he has to do all the research, and it is done through patent agents, it is done through reputable and recognized patent agents. It is true that while in both the United States and the United Kingdom the issue of patents are open to the public, the officials of the Patent Office will not on any search or information whether a patent has actually

MR. G. MAIR WALKER (CONT'D): been registered. So if a person feels that his is worth registration, and something that is a new invention, he must do all the donkey work to prove that there has not been a prior registration or that person. The officials will not do the preliminary searches, the expenses must be borne by the inventor himself. He must send his inventions to a patent agent who does all the search, and then when they're satisfied that this is a new invention the specifications and the drawings and the notice setting out the details would be sent to the Patent Office in Great Britain, it would be sent to the Controller General, and in the United States it would be sent to the Patent Office in Washington, D.C., the details of how to go about the establishment of a patent can be obtained by anybody simply writing to one of the patent offices, and getting a pamphlet on the directions for establishing a patent. So it does not necessarily have to be as complex as is set out in the Memorandum to this bill. Furthermore, in Great Britain the Patent Law is fragmentarily -- new since all the already established laws conforming principles were repealed and replaced in 1960 by a new law, and I think there were further amendments in 1969.

The patent in the United Kingdom runs for sixteen years. The United States law is very similar to the United Kingdom law having been drafted I suppose on the United Kingdom law, there is one subtle difference in that the patent in the United States runs fourteen years, while those in England run for only sixteen. So I don't accept the Memorandum of this bill which makes it so difficult for the needs inherent in a full registration system, and I can't accept a bill which is designed primarily for the protection of people who hold patents that have been issued only in the United Kingdom. And while we are told that we don't have a full registration here because it would require retired lawyers and all sorts of things, yet Clause 3 of this Bill makes provisions for the appointment not only of a Registrar, but by such staff as may from time to time be necessary for the Governor. This is the first time I've seen in the Bill where we are only appointing somebody, but we're making ample provisions for total additional staff. Clauses 3 and 4 deal with the existing and the appointment of the Registrar and additional staff. And Clause 5 goes on to deal with the duties of the Registrar in the management of the Registry and its staff, and by looking at the Bill one gets the impression that Government is here ready to set up a whole new division of Government, because ample provision is made in the law for the establishment of a full department, Registrar plus staff. So I can't accept that it would entail on the one hand a large amount of trained lawyers, yet on the other hand we're making provisions for a multitude of staff.

The schedule to the Bill has not been filled in, and here I must say that I'm happy that these fees are not left to the new Law of Executive Council, but are set out in a Schedule. The fees appear to be very low for this type of registration, and I'm wondering if it is deliberately made low because the Law will only apply to people who own patents in the United Kingdom. This Bill leaves much to be desired. It is by far the most unsatisfactory Bill that has been put before this Assembly in these last weeks. Because it is a Bill that eliminates, it's a Bill that gives protection to only a few, and I'm hoping that the Second Member will take my points into consideration, and will himself make some recommendations for changes in this Bill even if it goes through now at this sitting. I know by counting at a glance the names that will be in favour of this Bill that it will pass. No matter how wrong it is it will pass, that is a fact of life for this Assembly, so my only plea now is that the Second Official Member in his good time will take another look at this Bill and if he see fit that he will make recommendations to have this law amended.

I must congratulate the Second Official Member for putting forward this Bill, because I see this as a building of good will for the registration of these, and the other items that could arise in some anomaly. I believe I read somewhere in the Memorandum of something concerning this Bill, and I gathered from looking at it that it will be passed some revisions into the existing sort of Government. And so from that point of view even if the Bill does some discrimination and does not measure up to what I would like to see, it is a good effort and worthy of consideration, but I'm truly sorry that it did not spread its net wider to include other places that may from time to time have registered patents which would need protection under

MR. C. ARAIN MORDEN (Kingston) ...ever have. And I'm especially sorry that it was not considered that the Cayman Islands may one day have an inventor who could have some protections. If such a thing is in this law it must be discovered in a mystery, because I don't seem to see it. Nevertheless, Mr. President, I will indicate why that the presentation of this Bill does mark an change the beginning of an era. It's a new type of legislation which we need, and even if I have to say it the British Virgin Members have been the ones for this type of legislation, and I believe they were outspoken enough to put forward a motion at one time saying that Government took towards the registration of ships, which is far more important than the registration of patents, and where this could bring new drug of revenue, registration of ships could bring you Hundreds of it.. And I believe here we are just playing around with pennies when we could be collecting pounds, but it does show that the attitude of Government is softening up and perhaps it took a little tinkering here United Kingdom to get over this must done, but I'm wondering if in the United Kingdom they do have the crime that have been going up does this Assembly not this type of legislation, and if we can look forward to the day when the Registration of Ships, although it is going through a slow and protracted treatment, may one day be a reality.

MR. JAMES M. RYDER Mr. President, Fellow Members, I see the Members are still arriving from their cities. Mr. President, I have a feeling that by the time we're through with this Bill you may have to do what you have not done before, and that is to ask your casting vote, because my friend sitting across from me here I've known not my papers and I think that has enough effect on him that he will be voting with us.

In a sense I would have to compliment the Government for bringing this Bill, because it is in some sense necessary. It's about time that we had legislation of this nature, but in order by complimenting I'm also going to have a criticism, and I know the criticism is not taken too good. It is at the opinion that the law is discriminatory, and I say this because my colleague mentioned while ago although we are proud to be a part of the British Commonwealth we must accept one thing, and that is that England's not in business, many people have said so, and although they have a lot of expertise in some areas they seem to lack the ability to put new inventions through, not on the scale that is put forward at the present time by some of the other developing countries. I cannot see the urgency in bringing this Bill before this House and only covering U.K. patents. If this Bill was coming before this House embracing the entire British Commonwealth, embracing the Common Market of which we are now a part of, and the great United States, I would support it, but being it is moving forward with at least a half a dozen different pieces where only the United Kingdom patents are recognized it would be very difficult for me to be able to support this. I cannot understand why this has been done, and I cannot understand why that it was done previous forward this Bill that we could not envisage that sometime in the near future it might be some Caymanian smart enough to invent something that would be worthwhile to be patented. So it is I do not think there's any point in this Bill that would cover this. I cannot understand why the Members of the higher seats were at Cayman at their jobs that they did not include some local people into this.

Another thing that upsets me about this is considerable as my colleague said while our there's so many other important bills of this nature that could come before the House that would help our financial position and yet we're not bringing them forward, I know we've been told that something might be done about them, but it is time that we do it before other countries get ahead of us. As my colleague said this Bill although lacking will be bringing in revenue when we could have been bringing it about.

We've heard mention about the staff that would be needed to set this up, well I think all Members of this House are quite familiar with what happens when we set up a new department. We've dealt with it in this past Budget. We put up a Commissioner and your Willbury Lawyer employees and more jobs at any rate. Every secretary has an assistant, and every assistant has another assistant. We would have a bureaucracy created, and by next year when we get back here those of us are there to see here in my

MR. JAMES M. JACKSON (CONT'D): those who are elected to debate the budget this: we will find probably eighty thousand dollars to run this department. There are not figures that I'm just picking out of the air, we can go back to the budget which we have been debating and we will find these several departments that were created just a year or so ago, we are now spending a hundred thousand dollars to them. I think it's about time that we wake up. The first thing we would find if we started this, is that overnight we would have another flood of experts and consultants, we would find ourselves big chairmanship created, and we would hear of the amount of money needed to run the department. And I'm going to ask the Members of this House where are we going to get the money from to run these departments when we look at the wonderful figures at the bottom of this bill in the Schedule. In this day and age with the inflation that we have the effect of power would cost what these fees are asking. We come in here and we're told that it doesn't mean anything to increase these one hundred percent or twelve hundred percent, but then on the other hand we are told oh vote for something like this where we get ten dollars, twenty dollars and the maximum fee be thirty dollars. If something is worthwhile being patented then one should be able or ready to find more money to pay for it than this and it should be maintained. Now in the God's world would we ever support a Department of this nature with this type of fees, we're paying more than this on our dogs today. This is ridiculous, yet if we oppose it we fall into the category of being these two poor benighted fools that the hon Prime can't ever because known them in on the custom and of the island.

Mr. President, I would like to know a justifiable reason as to why this bill is so limited, why the fees are so low, when we are pleading for the amount of money that we need to run this Government. I am certain of one thing that the Members of the Executive Council would be having their hands in there to bring a bill like this before the House with these type of fees for this type of business when they're asking such tremendous increases in some of the other bills that we have passed. I cannot comprehend it, I declare my imagination, and I'm hoping that by the time we get around to voting to this that for once the certainty of sound will be known and that we will be able to change something in this bill. Thank you Sir.

HIS HONOUR H. WATLER: Mr. Assistant and Members of this House. I do not undertake the ramifications of such a bill as this, but I feel that it can serve a good purpose provided we are not called upon to make another department called the Patent and Trade Department. I'm hoping that such a bill does into law and perhaps we will be able to utilize the services of say the Registrar of Companies. I seem to see Companies who patented some kind of a device for lifting cargo off the ships, and he has gained on many occasions that to patent that particular device must run close on a million dollars. I don't know if it's law that it was that amount, but I'm very sure it was quite a large amount. And I cannot agree with these very little fees mention. I always think for an application would be least be three hundred dollars, the very least, because a patent as I understand a patent it I patent some device and I alone can manufacture or give my authority to have that particular patent used, and it would surely not be in order for such very limited fees.

Now as I said I do not understand all the ramifications, I do not understand why the British Government should be included in this law. I feel as has been said that inside the great Commonwealth we have a lot of patents, the United States of America, the Dominion countries all of these have patents, and if we are to pass a law and it's not contrary to anything in the British countries of which I'm very proud that we are a colony, if it's not anything that is detrimental to that great country I should say that is the weakest country in the world, because the Americans and all of these are only grandchildren of the great British Empire. And I feel that if it's anything that would be detrimental to our mother country we should not allow other countries to have this right; if there's not, I feel that they should be included, and I would say Sir again that I know of one Caymanian who patented a device, and there may be others who can do the same, of course they would have to I suppose go abroad and get whatever consultant may there is to getting a patent passed. I don't know, but

MR. [illegible]: I'm very sure that perhaps one of these days it could happen, and I would suggest it possible that the Cayman Islands be also included and I seriously recommend that there is no additional department set up, and more especially [illegible] trumpet most heartily that we consider that this sixty billion [illegible] should be a [illegible] Mr. President.

MR. [illegible]: And there are other speakers on this and my if there are no other speakers I'll ask the Hon. [illegible] if he so wishes.

[illegible]: Mr. President and Members, one of the objections raised to this bill by the two Members [illegible] is that they maintain that the bill is discriminatory because it only applies in respect of patents granted and trade marks registered in the United Kingdom.

As the whole object of this bill, Mr. President and Members, is to allow the holder of such patents and trade marks the right to re-negotiate them in the Cayman Islands so as to be able to take any action in the Cayman Islands for infringements. As it is the law that any patent or trade marks granted in any particular country is only protected in that particular country, any person would [illegible] a United States patent or trade mark and only sue for infringement of those of his rights in the United States. And as we find in almost every country in which there is a body of a person holding a patent or trade mark that person looks to obtain registration of that patent or trade mark in every other country in the world in which he can do so, and so it is we find that every registered patent in every other country is registered in the United Kingdom, and as soon as it is considered it will be seen that this bill is not discriminatory as the Members would take out. Because once a person becomes registered in the United Kingdom in respect of his patent or trade mark wherever the patent or trade mark [illegible] have been originally granted to become registered in the United Kingdom and thereafter immediately become able under this bill to be registered in the Cayman Islands.

I think the Members on the other side are confusing the United Kingdom patent holders or registered holders as being patents or trade mark which originated in the United Kingdom. Well that is not so, for like the Cayman patent for instance, if a Caymanian had a patent or an invention it would be a simple matter for his attorney representative in the United Kingdom and thereafter become entitled to registration in the Cayman Islands. So it is a fallacy to suppose that these patents and trademarks [illegible] patents and trade marks which originate in the United Kingdom, they don't.

With regard to the expense in running this Department, I'm grateful to the Lady Member for George Town for mentioning the Registrar of Companies, because that is exactly what is envisaged by Sections 3 and 4. In the early operations of this bill it would be a simple matter in my submission for the Registrar of Companies to be appointed Registrar of Patents and Trade Marks and two clerks in his present department could quite easily cope with any registrations which [illegible] under the law; and I can't for my part see that it would be necessary to set up any elaborate department having regard to the fact that we are deliberately avoiding the examination that would be necessary if we had a complete registration of trade marks and patents which would involve us [illegible] very similar organization, a complex department with [illegible] because trade marks and patents are a specialized branch of the law. The Patent Trade Mark Law in England extends to hundreds of sections, which requires the Registrar of Trade Marks and Patents to be a judicial officer, who has to adjudicate on conflicting claims to patents and trade marks. What we are seeking to do here is by a very simple device to avoid all that complication and to provide a method by which the holders of a registered patents and trade marks, the owners can get some protection in the Cayman Islands, and that is why, Mr. President and Members, the fees provided in the Schedule were not intended to be a revenue producer, it was intended merely to provide some fees for the registration, but the important aspect of the bill is that we are seeking to provide a method of protection in accordance the various points which we've had [illegible] to in the protection of patents

[illegible] and trade marks matters. If it is thought that the fees are too little, and or courses that can be amended they can be increased, and I should also like to mention that Cayman we have a complete trade marks and patents law or can we were advised by the legal advisers to the Foreign Office that if we made it open whereby a registered owner of a patent in other countries also wanted the right to open here and registered, it would mean that we would be exporting into the Cayman Islands the laws, also applicable to all those rights. In other words if an action for infringement arose the judge of the local Court would have to consider the specific law of the country in which the patent or the trade mark was granted, and that would become a very difficult matter, because the question that the law of the foreign country would have to be proved into and it would complicate matters and make it very difficult for an injunction to be made. So I would say it's a very simple matter for the holder of any patent or trade mark to obtain registration in the United Kingdom, and indeed that is the present practice, and having regards to that Mr. President and Members, I think that there has been a misunderstanding by the Members on the other side as to the effect of this United Kingdom registration, and when looked at from that point of view it would be seen that the question of discrimination is really more illusory than real.

The third thing was the main objections to the Bill, I wonder if the Members from Bodden Town referred to the similarity of Registration of Ships, and of course the simple answer to that is that the two things bear no similarity whatsoever. Registration of ships is entirely different matters, a lot of those considerations may not such as safety of life at sea, load lines and tonnage of the kind and the registration of ships is much more difficult and complex matter than the registration of Patents or Trade Marks, and in my submission Mr. President and Members, this Bill which has precedents elsewhere in the Commonwealth is an admirable but or legislation designed to provide a very simple method of registering patents and trade marks in the Cayman Islands without going to the expense and complications of a complete method of registration such as exists in the United Kingdom and other Commonwealth countries. As a matter of fact, Mr. President and Members, there is a model law for developing countries which was drafted by the World Intellectual Property Organization (WIPO) which has proved very useful in the drafting of this Bill, and it is a Bill which is designed for a developing country and not a developed country, Mr. Speaker. President and Members, I do not think that the objections of the Members on the other side are really valid, and that the Bill is drawn in the light of the intention which it is intended to carry out. It is my submission that it is an admirable Bill and should be supported by Members of this House.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

COMMITTEE STAGE

MOVED BY HON. D.H. MANDERSON
SECONDED BY HON. D.F. KOZIER

QUESTION PUT: AGREED:

HOUSE IN COMMITTEE

CLERK: CLAUSE 1: SHORT TITLE AND COMMENCEMENT
QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: CLAUSE 2: INTERPRETATION
QUESTION PUT: AGREED: CLAUSE 2 PASSED

CLERK: CLAUSE 3: ESTABLISHMENT OF THE REGISTRY
QUESTION PUT: AGREED: CLAUSE 3 PASSED

CLERK: CLAUSE 4: THE REGISTRAR
QUESTION PUT: AGREED: CLAUSE 4 PASSED.

CLERK: CLAUSE 5 : TITLE OF THE ABBREVIATED:
Question put.

MR. T.W. FARRINGTON: Mr. Chairman I would like to ask the Technical Officer Member, I have noticed that some years ago there was a lawsuit in Toronto between the Vicks Chemical Company and some company in Canada with the trade marks of Vapor Rub and Vaporoop, it wasn't even the same name. It was quite a big case, and the Vicks Chemical Company from the United States won. How what was the difference at that time?

HON. G.E. WARRINGTON: What was what? I didn't quite get it. Just.

MR. T.W. FARRINGTON: The Vicks Chemical Company of the United States had a Canadian Company used for keeping their patents and the Canadian Company was registered as Vaporub, and it copied the American one Vick's Rub, but they still said that that was an infringement on their rights and the Vicks Chemical Company won. How was that like the Canadian law at the time that they.....

HON. G.E. WARRINGTON: Yes, in Canada there is a regular Trade Marks Law set up. There's a Registry which is run at the same time as the United Kingdom Registry, and what happened in the Vicks case was that the Vicks Company had the registered trade mark, and they claimed that the other people had Vaporuba that they were infringing their trade mark. Well the matter went to court and as a result of the court setting, I believe, I'm not correct I don't remember the exact decision, but I think you're right now, the Vicks Company of America won. The result of that was that the other company did not get its registration effected, so that the Vicks registration remained on the Register whereas the other registration was either removed or removed. That was an illustration of the protection afforded the Vicks Vapor Rub had never having been registered in Canada and the exact decision was that the other company who was infringing their trade marks was wrongly infringing and their case should not be registered.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6: RECORDING OF CERTAIN FOREIGN LICENSE AND TRADE MARKS
QUESTION PUT: AGREED: CLAUSE 6 PASSED.

CLERK: CLAUSE 7: NOTE OF RECORDING GRANTS:
QUESTION PUT: AGREED: CLAUSE 7 PASSED

CLERK: CLAUSE 8: EFFECT OF RECORDING OF A TRADE
QUESTION PUT: AGREED: CLAUSE 8 PASSED

CLERK: CLAUSE 9: EFFECT OF RECORDING OF A TRADE MARK
QUESTION PUT. AGREED: CLAUSE 9 PASSED

CLERK: CLAUSE 10: PERIOD OF VALIDITY
QUESTION PUT: AGREED: CLAUSE 10 PASSED

CLERK: CLAUSE 11: RENEWS
QUESTION PUT: AGREED: CLAUSE 11 PASSED

CLERK: CLAUSE 12: RESTRICTION ON USE OF MARKS
QUESTION PUT: AGREED: CLAUSE 12 PASSED

CLERK: CLAUSE 13: EFFECT OF THE GRANT OF A
QUESTION PUT: AGREED: CLAUSE 13 PASSED

CLERK: CLAUSE 14: ...ENDMENTS,
QUESTION PUT, AGREED: CLAUSE 14 PASSED

CLERK: CLOSE AS: [illegible] terms were new
QUESTION PUT: AMENDMENT AGREED: CLAUSE AS AMENDED

CLERK: CLAUSE 3: Words "Trade"
QUESTION PUT: AMENDMENT AGREED: CLAUSE AS AMENDED

CLERK: CLAUSE 4: Words of the Registrar Trade Mark
QUESTION PUT: AGREED: CLAUSE AS AMENDED

CLERK: NEW SECTION

QUESTION PUT:

HON. JAMES M. MILLER: Mr. Chairman, I would like to suggest, sir, that we change $10 to an amount any where between $30 or $100, and the other one has a real chuckle every time, but I think the fees of application for a patent should be more than $20 dis.

EXCL. LTD. EXPATS: Mr. Chairman, I have no objection to the principle of fees, but it is my opinion that the Fees envisaged from this operation are really not envisaged to meet fees for actual registration of the patent, but it is envisaged that because of our other company and trust activities here that new persons will be told in the name of a company or trust, and it is the encouragement of the registration of such companies that is sought, and we have to be careful that there we're creating too much of that that we don't price ourselves out of the market. In other words we are subject here to double taxation, because the person will be paying to register the company or trust, paying to register the patent in the United Kingdom which after all is the registration which gives the person the legal protection and that will be registered here as I understand it, and I'm just pointing this out. I think we may get the impression that this is to assist the registration of a patent is what is seen as being the revenue earner and we pay less right at the very beginning of this law.

HON. JAMES M. MILLER: Mr. Chairman, I do not want to be anybody that will cause any embarrassment to this government or anything that is wrong. If it is wrong to charge more than the $10 which is what I have, I don't know all the ramifications and the build story, and it is anybody that we can be any encouragement on this government or anything to make anything wrong I will subject myself to what is better here. But I feel that $30 is a very small amount.

HON. [illegible] MORRIS: Mr. Chairman, when the first motion was made that legislation would be introduced to register patent and trade marks in the Cayman Islands, and that we would be in for a great deal of revenue from this, this was mentioned by the local politicians, so I said good. The next question was what would the cost be, would we be able to bring a right, the number of registrations for this is to where the value. Well, Mr. Chairman, you could have incorporate a company here to register a patent or a trade mark, if there's a Registrar of patent and trade marks at [illegible] then is an office made to the Registrar for the examination of the patent and trade mark and this was done, and that is about only thing that the Registrar will do that is the end of it.

I feel personally that of such facilities are going to be a value to the Cayman Islands whether there may not be such great demand as perhaps not value exist in the Cayman Islands because of the smallness of the territory, and because the business generated is not there. Yes if people want to register their patents and trade marks here, then I think there should be a reasonable fee for it even though it is proposed

HON. V.C. JOSEPH: I expect that the Registrar of Companies could be the Registrar of Patents and Trade Marks. It will undoubtedly take a great deal of his time especially if a number of applications are going to be handled from time to time, so a little while there's going to be a large number of registrations in the Registry. He undoubtedly the administration work involved in it is going to increase from time to time. Once a patent or trade mark is registered and the fees paid that's the end of it. It's not necessary to pay an annual fee like a company or something else, it's a once for all fee. And I agree with the lady Member from George Town, if we're going to have a fee for the facilities in the Cayman Islands - registration of patents and trade marks then it should be a reasonable fee. The SIC is an improvement over what was originally mentioned-I'll agree with them, but still $75 is quite a lot for start.

So I suggest the increase of the fee to $30 is mighty low, but for a facility like this. I mean if people don't want to register here they don't have to register. If they come to register here all very well, there are some people who will perhaps incorporate a company best to assume trade marks, but I don't think they would incorporate a company just for that, the company would perhaps be involved in other types of business in operation.

HON. ---: Mr. Chairman would you say a fee of $30 is reasonable?

HON. V.G. JOSEPH: Mr. Chairman $30 is an improvement over thirty.

MR. JAMES M. RYAN: Mr. Chairman I would like to suggest a hundred and fifty.

HON. G. HAIG-BODDEN: Mr. Chairman,since I was the first person to speak on this bill, and since that it seems that this is the only area that we will get, I would say that we should be doing right to increase the annual fee on this bill. We know that the bill is in a sense just in the experimental stage, we don't know how many people will come to register, but I agree with the Third Official Member that it is unlikely that a company will be set up just to register a patent. I don't know where the other Executive Council Member got that idea from, I don't see the registration of patents encouraging companies to come here to register, so we need not look to that as a source of revenue arising from this bill. But on the other hand we shouldn't make it too high,initially we know that it can always be increased. So I'll go along with any reasonable figure, and $30 as mentioned and I have concurred in many cases with the Member for Communications and Works, but I'll go also with $50.

HON. T.O. BODDEN: Mr. Chairman, I'm not going to belabour the point, but there is no doubt in my mind as is mentioned in the resolution of Objects and Reasons that this bill has been drawn to the attention of investment persons of a number of companies which have been received, and the Hon. the last Member mentioned when he was speaking first that as provision was made for registration of companies - trade mark and otherwise, but people coming here to form that, and I can see every reason why a company as a trade mark be formed in own a trade mark rather than a individual. Because a company incorporated in the Cayman Islands takes Caymanian nationality, whereas a person of another nationality takes that nationality and might be subject to income tax and otherwise. And it is a case of the local company Ordinance not only in the United Kingdom but a few around, once it has licensed in the United Kingdom, and I am certain that it will be a reason for the registration for companies that are not now registered here coming to the island,providing as we say the experiment works. And this was why I drew attention to the possibility of double jeopardy , but I don't think that once tax ten is kept within reasonable bounds that we would be out of order, but while I have the floor I would just call attention to the fact that in Caymian Government now think we passed bills other charges for small charges, we've talked about three dollars and five or ten, whereas for a person who does we have to

HON. E.G. EDWARD JOSHUA: Mr. Chairman, we are not so out, so we are really not too much out of line on this charge for just searching the Register, particularly in the early stages when we won't have many entries, we are simply copying ten or fifteen.

HON. ROBERT F. BOGGS: Mr. Chairman, I'm not trying to do anything to hamstring this Convention in any way shape or form, but if there should be a desire of having a trade mark patented was to write to the majority of these lawyers, not me, I'm not in the picture, the two companies that I have registered I'll use them I never get a penny for it so that's it. But they wouldn't go to the Court House for less than $150, you and believe that, so I think that $10 would be a very nominal fee to charge for this.

HON. W.E. JONES: I agree with Mr. Chairman, and that the other two fees are not changed from the present figure, $20 and $10.

MR. CHRISTIAN: Will $50 seems to show that the majority support I think, an increase of 100%.

MR. JAMES M. BOGGS: I still think it is too low, but I'm sure that this will be one area that Director of Executive Council will be glad and it won't seem to be increased to a hundred and fifty.

HON. W.E. JONES: In order for you to oppose it.

MR. JAMES M. BOGGS: You shouldn't say that you know, we're giving you great support today.

MR. CHAIRMAN: I take it that from/ purpose the Schedule is amended by substituting $10 for $30 making the first item, but no other would be made.

QUESTION PUT: AGREED. WAS UNANIMOUS AT AMENDED NOT PASSED

CLERK: A BILL TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE GRANTING OF LETTERS PATENT FOR INVENTIONS AND TRADE MARKS.

QUESTION PUT: AGREED. BILL WAS PASSED

THE HOUSE RESUMED

REPORT THEREON

HON. C.E. WOODSTOCK: Mr. President, I have to report that a Bill entitled the Patents and Trade Marks Law was considered Clause by Clause by a Committee of the whole House and passed with one amendment, that is in the Schedule the fees payable on application for an extension of a patent or trade mark was increased from $30 to $50.

HON. PRESIDENT: The Bill is accordingly put down for third reading.

HON. E.V. MARTIN: Mr. President and honourable members, I beg to move that the House adjourn until tomorrow morning.

ADJOURNED BY HON. E.V. MARTINDALE:

QUESTION PUT: AGREED. AT 4:40 THE HOUSE ADJOURNED UNTIL THURSDAY THE 11th OF DECEMBER, 1975 AT 10 A.M.

THURSDAY, 11th December, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS ROBERT, CMG., PRESIDENT

GOVERNMENT AND OFFICIAL MEMBERS:

HON.D.V.MYERS,Esq.,J.P.	FIRST OFFICIAL MEMBER
HON.G.B.THOMPSON,Esq.,Q.C.	SECOND OFFICIAL MEMBER
HON. V.C.JOHNSON-ODE	THIRD OFFICIAL MEMBER
HON.A.P.PRATT,J.P.	SECOND DIRECTORATE PORTFOLIO, [illegible] (MEMBER FOR WORKS, COMMUNICATIONS, AND PUBLIC UTILITIES)
HON. TREVOR EXETER	FIFTH DIRECTORATE PORTFOLIO, [illegible] (MEMBER FOR EDUCATION, LABOUR AND CO-OPERATION AND IMMIGRATION)
HON. THOMSON CLEMENTS	FIRST DIRECTORATE PORTFOLIO, [illegible] (MEMBER FOR EDUCATION, LABOUR, SOCIAL SERVICES AND LEISURE)
HON.M.W.CORNELLY,Esq.,J.P.	FIFTH DIRECTORATE PORTFOLIO, [illegible] (MEMBER FOR TRANSPORT, TOURISM AND NATURAL RESOURCES, MINOR [illegible] AND DEVELOPMENT)

ELECTED MEMBERS:

MR. C. M. FAHIE,O.B.E.,J.P.	FIRST DIRECTORATE PORTFOLIO, [illegible]
MR. JOHN L. [illegible]	[illegible]
MISS JONNIE E.[illegible]	SECOND DIRECTORATE PORTFOLIO [illegible] TOWN
MR. CLAUDE [illegible]	SECOND DIRECTORATE PORTFOLIO [illegible] TOWN
MR. JAMES [illegible]	FOURTH DIRECTORATE PORTFOLIO, [illegible] TOWN
MR. C. [illegible]	FOURTH DIRECTORATE PORTFOLIO [illegible] TOWN
MR.[illegible]	FOURTH DIRECTORATE PORTFOLIO [illegible]

ORDERS OF THE DAY

THURSDAY, 11TH DECEMBER, 1975

1. REPORT SELECT COMMITTEE (WITHDRAWN FINDINGS) (BY CHAIRMAN MR. JOHN D. JEFFERSON)

2. GOVERNMENT BUSINESS:

(i) THE FISHING AGRICULTURAL ANALYSIS DEPARTMENT BILL (2ND READING)

(ii) THE PAYMENTS AND LEAVE WAGES BILL (3RD READING)

(iii) THE EXPLOSIVES ACT, 1975

2. PRIVATE MEMBER'S MOTION

(i) TO BE MOVED BY MR. JAMES W. BOOKER - CONSTITUENCY OF BOOKER TOWN
TO BE SECONDED BY MR. G. MAIN BROWN - CONSTITUENCY OF BOOKER TOWN

WHEREAS PEOPLE IN THE EASTERN DISTRICT OF THE ISLAND HAVE BECOME DISSATISFIED WITH THE MANNER IN WHICH SO CALLED CROWN LAND HAS BEEN DEMARCATED AND GIVEN TO THE CROWN BY THE COLONIAL SYSTEM

BE IT RESOLVED THAT THE EASTERN SECTION OF THE ISLAND, THE CROWN LANDS, BE CREATED AS IT OTHER AREAS ALREADY DEMARCATED AND GIVEN TO TAMPUL OWNERS AND GOVERNMENT REMOVED FROM CLAIMING SAME

BE IT FURTHER RESOLVED THAT THE SAME SYSTEM BE ADOPTED AS IN OTHER AREAS, INCORPORATION OF GIVEN TO THE ORIGINAL OWNERS AND IF NECESSARY THAT LAND CLAIMED TO INCORPORATE INTACT TRANSACTIONS THAT GOVERNMENT ONLY CAUSE MUST BE GIVEN (IN) TO CONSIDERED REAL MARKET VALUE.

(ii) TO BE MOVED BY MR. G. MAIN BROWN - CONSTITUENCY OF TAMPUL TOWN
TO BE SECONDED BY MR. JAMES W. BOOKER - CONSTITUENCY OF BOOKER TOWN

WHEREAS THE RECENT STATUS OF THE SEA DECEMBER, 1975 ON THE QUESTION CONCERNING CROWN LANDS ARE NOT SPECIFIC

BE IT RESOLVED THAT COLOUR STANDARD SHOULD BE DEBATED BE ALLOWED ON THE RESULT TO THE QUESTION.

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Tuesday, 11th DECEMBER, 1979

10 a.m.

MR PRESIDENT: Please be seated.
Proceedings are resumed.
The First Item on the Order of the Day is the Report of the Select Committee on Obscene Publications.

SELECT COMMITTEE'S REPORT ON OBSCENE PUBLICATIONS

MR. JOHN D.JEFFERSON: Mr.President and Honourable Members, I seem to have misplaced my notes anyway, I beg to lay on the Table the Report of the Select Committee appointed by the Legislative Assembly on the 18th of March, 1975 under the following terms of reference -

(a) Exhibition of cinematographic films
(b) prohibitive publications and obscene literature.
I ask that we lay this Report on the table.

MR. PRESIDENT: So ordered.

MR. JOHN D.JEFFERSON: Mr.President and Honourable Members, I ask that this Report be accepted.

MR.PRESIDENT: Is there a seconder for the motion?

MR. CLAUDE HILL: I second it.

MR.PRESIDENT: The question is that the Report of the Select Committee appointed by the Legislative Assembly on the 18th of March, 1975 with the following terms of reference - to consider the following problems (a) exhibition of cinematographic films
(b) prohibitive publications and obscene literature
the question is that that Report be now accepted. The motion is open for debate.

MR.JOHN D.JEFFERSON: Mr.President, Honourable Members, in bringing this Report this Morning it again raises a very sad note on my own life because one of the members of this Committee is the member that has very recently passed away. Not only is it a fact that I have lost a good Member, or the Islands have lost a good member, but I feel I have lost a very close, personal friend.

Mr.President and Members, the Committee held several meetings. Being the inception of this Committee the Legislative Assembly sat down a course of three months and the terms of reference said that we should treat this matter as a matter of urgency but during the last two meetings the Committee operated under a cloud of sadness due to the illness of the late Capt. A.R.Rice. The Committee met with various sections of the community, met with the buyers of books, shows that are selling books to the public, the bye and law not one hundred per cent. When the Committee met on a couple of occasions with the members of the film society. The turn out was unanimous.

I must say I felt the committee was able to get down at its meetings and I feel that the Committee has done some good work. With the help and assistance of the Legal Department, the Honourable Attorney-General and Mr.Donaldson, I think we were able to impart to them, the Committee, the feelings of the Committee and they with that impression were able to make some recommendations which are in this committee's report.

We would like respect, Mr.President, that the report and recommendations would be accepted in toto what has been put before this Legislature - we see quite fine that there can be additions and subtractions. We are seeking this on the guidelines that we might be able to fully serve the people of these Islands. We come up with a bill to control public entertainment in the Islands - there is a suggestion - a Bill for a law to produce a standard of decency in th.

MR. JOHN B. JEFFERSON (continuing): dissemination of entertainment to the public and I believe that these recommendations give this Legislature food for thought.

As I have said, the Committee has worked during the last two meetings with one member below the quorum set by this House, but we felt under the terms it was a matter of urgency. The Committee went on and we are back reporting to the Legislature and I do feel and trust that here, the work of this Committee, positive constructive can be done.

We have had enough red tape without fear or favour and I recommend that suggestions put forward by this Committee. Thank you very much.

MR. CLAUDE HILL: Mr.President and Honourable Members, I voice the sentiments of the Chairman of the Committee in regards to the loss of one of the Members, Capt. A.A.Reid. I also note with great interest the report that has been given by the Committee that was selected by this Legislature. Seeing that the standards of the cinematographic films and the publication of obscene literature is dealt with and they covered quite a bit in their debates on this matter in the Committee stage, they appeared to have had quite a number of people who do sell books and also people who represent the cinemas and also I see where they had a Minister of the Ministers Association of the Cayman Islands. They also had the Librarian from the Cayman High School and consequently decisions made by these people and I should not fail to mention that we had the Honourable Second Official Member who played a noble part also and our Legal Adviser, gave advice in regards to the law.

As a Member of the Cinematographic Board I feel within myself that though I did abstain from the Committee owing to the type in which I am a representative, hold, I feel that they have got to a point where, or conclusions have been made as to what films should be shown and what books should be published in many respects.

It appears to us that the approach of the Supermarkets and Bookshops gave freely their advice as to what they believe or intended to carry on in the future.

And Mr. President, I must say that it is a very serious job when dealing with publication of books. I am sure that although the Committee has made its report, I am sure that you can find on the shelves of many of the supermarkets or Bookshops such obscene literature still. Banning of the publication is something, as was explained in the report, they had to deal with and with that, Mr.President, I must again thank the Chairman and also thank you, Sir.

HON.D.E.WATLER: Mr.President and Honourable Members, just a point I would like to know on this. I congratulate the Committee on their report and the recommendations that they have put up for consideration - this Bill that they have put up for consideration, but the Chairman of the Committee himself stated that the quorum of the Committee that was appointed, the three, that due to illness only two were able to attend, and I am wondering whether some action should not be made now to regularize this position, because the report only has two on it, and there seems to have been taken a quorum, and I think that the House would be advised to regularize that by accepting it and - I just don't know how to do it - to be frank with you - so that the House could waive the requirement of a quorum of three and accept this report with a quorum of two instead.

If there is any way of doing it I would move a motion of that nature that the quorum, in this case, though appointed by the House before was three, that it be waived and that the report with two members signed be accepted to regularize the original motion. What I am trying to do is straighten that out so that in no way that the report is not a genuine one.

MR.PRESIDENT: Is there any comment on that proposal or seconder if it is to be made a formal motion?

MR.JOHN D.LIVINGSTON: Mr.President, I am sort of lost right now, whether I can get up again, but I would hope that the Members of our Committee would accept, would so move so as to make our report an official one and acceptable.

MR.O.HAIG MOODEY: Mr.President, the point raised by the First Official Member is a valid point. In fact, had he not raised it I would have done so. We have done many things in this Chamber that were not right and perhaps we have gotten away with it. However, when a quorum is fixed it is fixed and while Members of the Committee may disagree, in the absence of a quorum, any particular matter it would be going against all parliamentary procedure to take a resolution in the absence of a quorum.

Quite recently this House has been forced to reduce the quorum of the Finance Committee from 10 members to 7 and the reason for this was that it had been difficult, at some stages in the past, to get a quorum of 10. However, I must say that since 1972 when the sudden Town Members, the present Sudden Town Members appeared on the scene, we have never lacked a quorum for a meeting of the Finance Committee. Perhaps this is because other Members fear that we may seek to change things that should not be changed and so their presence is very evident.

We should not create history in parliamentary practice by accepting a report which, in a sense, has been made invalid by the lack of a quorum. If, for a Standing Committee or a Select Committee a quorum is fixed by resolution or by the House or by Standing Orders we have to accept that quorum. We cannot on the spur of the moment fix a quorum because this is going against all the things that we have held sacred in our democracy. We as Members of Parliament must uphold the standard by which we live. If we tolerate the acceptance of a report which stems from meetings that were not constitutional because of their lack of quorum, we would be creating a grave offence and we would be setting a precedent which could lead to a breakdown in our parliamentary procedure. We must not allow this to happen.

I am against accepting this report, of course I know that the parliament is above even the law and a parliament can make its own regulations, but these regulations or orders should be made before the event. If this House had agreed when it established a Select Committee that it would accept, it would be prepared to accept a report if it had been found impracticable for the Select Committee to have a quorum - then we could accept it, I don't know how well in life it would be, but if we had made such a resolution in the appointment of a Select Committee that we would accept a report, regardless of whether one member was there or six members, or eight members, I guess we could do so, but not having made such a contingent resolution, we cannot now accept a report because the report and the constitution of the Select Committee complied with what the House expected that Select Committee to do. The Standing Committees of the House are far more important than Select Committees - that Standing Committee, I would say, have far more important work to do and a Standing Committee has a quorum and regardless of how the Financial Secretary may want to finish up the business of his Finance Committee, he cannot hold a meeting without a proper quorum. Regardless of how the pressure of work may be on him, he cannot bring a report to this House from a Committee that has not been properly constituted and we therefore cannot depart from that rule. This Chamber cannot meet, we cannot hold a meeting here if we do not have a quorum of members. Because we cannot go above and beyond our Constitution, and we cannot go above and beyond our Standing Orders, and we cannot go above and beyond the terms of reference for any Committee that is set up. If we do this, for any

MR.G. HUIE BARNES (CONTINUING) particular case we would set a precedent which would in fact result in the break-down of all the procedures and all the rules that we have followed in the past, and I must commend the First Member for Government for pointing out this irregularity and I would say that I would hope the House makes the decision now not to accept this report, although the report itself seems to be worthy of consideration. We should not accept it on the grounds that the report, and the procedure in the Committee, which made the report, does not seem to have complied with established custom and established parliamentary procedure.

MR.SPEAKER: Thank you for the House to determine whether this technicality should rule out the adoption of the report. Members will recall that originally the motion was for the appointment of five members to the Committee, who were appointed and two of them resigned. I think one was then elected and of course, this third member was unable to take part in the Committee's proceedings because of illness. A quorum was not, as has been pointed out, by the Second Member for Golden Town, at three, and technically, during the consideration of the matters before the Committee there were only two members. The Committee itself, I think, in its report has said "the Committee's quorum was set at three members in view of the illness of Capt.A.Reid. The Committee wishes to report progress made and to ask for the discharge of the Order". This is not the first official Member's case, in fact, brought to attention. The main recommendation of the Committee is that a bill be brought before the Assembly at some future date. If Members feel that the Committee's report cannot be accepted it would still be possible for this bill to be brought before the House at a future date, either as a private member's bill brought from the official side, where, in fact, the House would have the opportunity to consider in depth, as it were, the proposals in the Bill. So that I think that if Members are reluctant to accept the report of the Committee because it was improperly constituted, it would still be possible to proceed, at a later date, with the Bill, either as a private member's bill or brought from perhaps, by the First Official Member. I make that contribution for Members to consider.

MR. JAMES M.MORGAN: Mr.President, I have perused this Select Committee's report quite thoroughly and I must compliment the Honourable Second Official Member from West Bay for the time that he has put into it and also the other members of the Committee, and I would like, at this time, to pay my tribute to the late Capt. Reid and I am sorry, that through ill-health he was unable to be a member of this Committee any longer than he was, because I know that it was a subject that he was interested in.

There are a few things that I would not completely agree with, but we are not holding up the report at this stage.....

HON.W.K.CONOLLY: Mr.President, on a point of order, I think there was a point raised which has not yet been concluded that there is no motion before the House because the Committee was improperly constituted and I think we should get that settled before we enter into any discussion on the Committee, on the report.

MR. JAMES M.MORGAN: Mr. President, I fail to see the point of order. I think I am still entitled and I know that the Standing Orders of this House are not that narrow, that I could not comment on the denial of one of the Honourable Members of this House that was on this Committee. But, saying that, Sir, is there reason for me to get on my feet and continue to talk, because it shows once more that the Members of the Government Bench are willing to continue to put things through this House that are incorrect. Once a precedent is established.....

MR.PRESIDENT (INTERRUPTING): There's an inference. I think that cannot be drawn from the Honourable Member's point of order.

MR. JAMES M.NICCOM: Sir?

MR.PRESIDENT: I don't think that's an inference that can be drawn from what has been raised as a point of order.

MR. JAMES M.NICCOM: I am sorry I disagree.
Mr.President, I have my rights as a Member of this House to speak on this subject which was brought up by the First Official Member, and which, if he had not brought up, I am assured you would have been brought by my colleague and myself. I am asking that inference, Sir, because if a precedent is set in this House this morning to accept the Committee's report on which there were four members elected to each Committee, the quorum was set at three; on quite a few of the meetings there were only two members present. And if we set the precedent in this House this morning by accepting this Report, although I would like to see the Report accepted, then Mr.President, we go on and we forget our Standing Orders on which the Honourable Fourth Elected Member for Kenyatta Council likes to stand on so much. Because in the future we will find that the Finance Committee could come in here with a report when they only had two members present, or any other Committee could come in and do the same thing. These are Standing Orders under which we operate and I hope that although I am sure that many members of the House accept the sentiment that this Committee's report should be accepted, that in view of this, it is a break in our Standing Orders and I hope that the Members will see fit to constitute this Committee again or do whatever else is necessary, but not to break our Standing Orders and accept this like morning. Thank you, Sir.

MR.CHAIRMAN ESQUIRE: Mr.President and Honourable Members, being one of the Members of this Committee, we realised at the conclusion of our work where we stood but we were somewhat obligated to make a report but, as has been told from the Chair, we didn't know just how the House would feel about it and as I said, as one of the Members of the Committee I was not trying to press the issue for this Report to come to the House that it had to be accepted, not having the quorum. I feel that I have indicated in this House on various occasion on my member that I stand for whatis right and fair and justice to be done without fear or favour. With the greatest of respect to the member that is not with us today, that was unable to carry out the responsibility of his duties as a member of the Committee, I too feel that this should be dealt with in the right manner, either by a Bill being brought or a re-appointment of another Committee to deal with in preliminary and brought back then as a fully constituted report by a quorum and I don't see why this probably couldn't be done for the sitting in March or April, as the case may be. But I, too, Mr.President, go along that we should not break the rules or Standing Orders and Constitution and what not just to have this done - while there is no the member who craves any more to see this done than myself, knowing how I feel about the youth of our country and what-not, so I go wholeheartedly that we should be doing this to bring this in its proper form rather than waiving or breaking the orders to have it brought to the House. Thank you, Mr.President.

MR.PRESIDENT: It seems to be that the issue is quite clear on procedural grounds - there is a motion before the House that the report be adopted, if members feel on procedural grounds that it should not be adopted then they have the liberty, of course, to vote against the motion. So unless there is any other discussion on this, I'll simply put the question that the report of the Select Committee on Obscene Publications and the standard of entertainments films should be adopted. Those in favour please say Aye - Those against No.

MEMBERS: Aye.

MR.PRESIDENT: I think the Ayes have it.

THE CHAIRMAN'S REPORT WAS NOT ADOPTED.

MR.PRESIDENT: We proceed next to Government Business - the Third Readings Come The Foreign Arbitral Awards Enforcement Bill and the Patents and Trade Marks Bill.

THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL

THIRD READING

CLERK: THE FOREIGN ARBITRAL AWARDS ENFORCEMENT BILL - Third Reading.

HON.G.G.KADDUNGULU: Mr.President I beg to move, Sir, that a bill entitled The Foreign Arbitral Awards Enforcement Law be given a third reading and passed.

MR.PRESIDENT: Second.

MR.PRESIDENT: The question is that a bill intituled The Foreign Arbitral Awards Enforcement Bill be given a third reading and passed. I shall put the question - will those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against No. .....The Ayes have it.

THE BILL GIVEN A THIRD READING AND PASSED

THE PATENTS AND TRADE MARKS BILL

THIRD READING

CLERK: THE PATENTS AND TRADE MARKS BILL -Third Reading

HON.G.G.KADDUNGULU: Mr.President, I beg to move , Sir, that a bill entitled the Patents and Trade Marks Law be given a third reading and passed.

HON.D.W.WAITITU: Second.

MR.PRESIDENT: The question is that a bill intituled the Patents and Trade Marks bill be given a third reading and passed. I shall put the question - will those in favour please say Aye.

MEMBERS: Aye..

MR.PRESIDENT: Those against No.....The Ayes have it.

THE BILL GIVEN A THIRD READING AND PASSED

THE EXPLOSIVES BILL, 1975

INTRODUCTION AND FIRST READING.

CLERK: The Explosives Bill, 1975 - Introduction and First Reading.

HON. G.G.KADDUNGULU: Mr.President, I beg leave to introduce a bill entitled the Explosives Law, 1975.

HON. D.W.WAITITU: Second.

QUESTION PUT[illegible] AGREED: BILL INTRODUCED

SECOND READING

CLERK: The Explosives Bill, 1975 - Second Reading.

HON.G.M.WOODHOUSE: Mr.President, I beg to move, Sir, the Second Reading of a Bill entitled the Explosives Law, 1975.

As the Memorandum of Objects and Reasons state, Mr.President and Members, there have been several complaints with regard to the use of explosives in the Island and although there is at present an Explosives Law (Chapter 32 which was enacted in 1963 it has become somewhat out-of-date and it is thought necessary to consolidate that law in many particulars from and with effect therefrom and to make proper regulations under the Law to control the use and storage, etc. of explosives.

There isn't much more that I can say on the Bill, Mr.President, it is a very short Bill. It contains everything that the present law contains except that it has brought it up-to-date and has made it easier for regulations to be made under that law for the control of the use of explosives, and I am sure that all Members will agree that this is a subject on which we should have proper regulations governing the use of dangerous substances of this nature; and so I commend the Bill for the favourable consideration for Members of the House.

HON. D. V. WHITE: Seconded.

MR.PRESIDENT: The question is that a Bill intituled the Explosives Law, 1975 be now read a second time. The question is open for debate.

HON. D. V. WHITE (QUOTE): Mr.President, there is a need for this Bill, but as usual I want to express my objection to this type of legislation. This is in keeping with objection that I have raised on other laws that are similarly drafted. I consider this Bill an skeleton legislation and while I will not go into all the demerits of skeleton legislation I feel that it is wrong to have a law which says nothing in it but gives into Executive Council the power to make all very regulations.

This Bill is a very short Bill - in fact it is only two pages yet the Regulations which have been made is something like thirty-six pages...

MR.PRESIDENT: If I could interrupt here, the Clerk to Executive Council has asked me to apologise for the endorsement made at the bottom of the Regulations. The Regulations could not, of course, be made until the Bill is Law. In fact, the Regulations were considered in draft by Executive Council on the date shown on the paper, but the Regulations have not, of course, been signed but they were circulated to Members Executive Council with that the Regulations had to be seen by Members to understand the full impact of the Bill. But I'll like to make that point clear.

HON. D. V. WHITE (QUOTE): Thank you, Mr.President. I understand that, but I can say that when the Regulations will have been made that they will be much voluminous than the Bill.

Also in the Bill I see that power is given to Executive Council to use certain fees. Whenever a fee is charged for anything under a law, what fee is in essence, some form of taxation because it is compulsory that the person requiring the service pay a certain fee, and I am against fees being set by just the Members of Executive Council, I feel that all the fees should be approved by

MR. S. ELIS BOWEN (CONTINUING): the Cuban Assembly, and in this particular Bill we see another disadvantage of leaving the Regulations to be made by Executive Council, in the Memorandum of Objects and Reasons it is stated that no regulations have ever been published although power to make such regulations was accorded by Law 7 of 1972. So that although three years ago a Law was passed dealing with Explosives, it seems that for three years that Law could not operate because the Regulations which should have gone with it have not been published. If some of the things that were intended to go into those Regulations had been put into the Law itself at least that part of it would have been in operation during the past three years.

Another objection to this Bill is that it seems to put too much authority in the hands of the Chief Engineer. I have in the past fought this in our Bills - we had the Tourism Law which put all power into the hands of the Minister responsible for Tourism and I could name a series of Bills like the Beaches Bills which put unlimited power into the hands of certain people, but I will not bother to name all of them. This Bill is just a continuation of the system of transferring authority to people in the Civil Service and to people and to the Government Members. These are the objections I have to this Bill. I do not have objection to the contents, the other content, nor to the Regulations that will be forthcoming, but I think it is time that we stop making laws which give Executive Council power to make all the legislations and to set all the fees.

MR. JAMES H. LONGLEY: Mr.Speaker, I am pleased to see this Bill coming before the House. I hope that it will be able to control some of the things that have been brought to the attention of this House in the past, but I too join with my colleagues in voicing our feelings on the skeleton legislation. If I did not do that I would not be true to my convictions because I have spoken against it so many times in the past.

The Member introducing the Bill told us himself that it was such a slight Bill - only two pages - but put when it is accepted and I have no doubt in my mind for what it will be accepted - we have 35 additional pages that will be going along with this in order to implement it and make it a workable Law. I am very pleased again to see the action that was taken and I feel certain, Mr.President, that you can take some credit for this in seeing that we did receive this Bill presented to the House as quickly as we have and I must say that I appreciate it very much, having an opportunity to look at the draft Regulations before they become law, because that is something, as a rule, that we know nothing about until it is already done. So I was very pleased to see that the courtesy was extended to the Members of this House by having them have a copy of these Regulations.

If I could just comment for a minute on the Regulations I am not a technical man but in one section, section 12 I see where the explosives would be or could be stored within 75 feet of an inhabited building or a public road. Now being a technical man, I would have to say that I cannot accept that or I cannot reject it - I only hope that we have good substantial evidence to prove that that is safe.

I feel very strongly, as I have said in the past that it should only be real minor Regulations that should be set by Executive Council and when it comes to fees, fees are a part of taxation, in any country and any form of taxation should be voted on and carried by a majority of the members who represent the people. When this is done arbitrarily by Executive Council it is no longer being the voice of the people. I object very strongly to that, I probably could go along with the acceptance of the cost of the Regulations being done by Executive Council but as to the fees being set by Executive Council I feel strongly on this Bill as well as any Bill of this nature in the future that this should be set by the House before the Law is passed. I will not oppose the Bill but I hope that due consideration will be given in the future to making the Regulations a part of any Law that is presented to this House. Thank you.

MR. JOHN D. DEPPENBROCK: Mr. Chairman, I rise to support the Explosives Law, 1975. I believe that every responsible Government takes note of things such as these. I am sure in this Chamber over the period of years we have heard a lot of complaints, a lot of grievances have been voiced in relation to the way explosives have been handled and I want that once and for all they will be out of the hands of the right people - and the people that are in the responsible positions will exercise this responsibility.

In this world in which we live today things such as these cannot be left lying all over the place as in the hands of all kinds of people. Even though, as far as I am concerned, as far as our citizens are concerned, I do not fear violence in the least, but since there are so many other people on the shores and since there is a very important thing, I am glad that we are taking steps to make sure that the responsibility is exercised and I support this Bill in toto.

MRS. ANNIE E. DOBSON: Mr. President, and Members, I rise to support this Bill. I think that it should have been in effect quite a long time ago. There are persons who I presume have permission to use dynamite, who have used it in the past most indiscreetly

I unfortunately we had two earthquakes shocks in Grand Cayman and I never felt one of these, but in my last some years ago, not too long, about two years, a shocking affirmation, I felt such a shock that I almost fell off my bed. Now, Mr. President, it is time that we let people know that they cannot really use this dynamite to burst people's property and endanger lives and most of all for it not to be used indiscreetly and in the hands of people who evidently do not know how to use the dynamite. Because quite a few have got their hands and eyes blown off and I feel that this is a law which must get the support of this House.

I remember when they were blasting the hill "Cell" just out in the harbour - Inspector Butler and his crew would go out there, fix the dynamite however it has to be, I don't know - and they would send a great discourse when they explosion would go off I would almost jump out of my skin. I was then working in Mahoney's building and from then I have dreaded dynamite.

I feel, Mr. President, that we as responsible citizens, must fix that such a dangerous thing as dynamite should be in the hands of responsible people.

About the recepter, I have no query on that - I feel confident that there is the proper fees collected.

Now about the Regulations, they are quite lengthy but I feel confident that those who have drafted the Regulations must have the knowledge how to do so - I don't know anything about it. Thank you, Sir.

MR. CLIFFORD HILL: Mr. President and honourable Members, I rise to support this Bill. This Bill makes for a law on explosives and I am quite aware that explosives have been used throughout the Island without the consent of Government. Many conditions have been received and this law seeks to place the explosives in perspective form where it can only be obtained or handled by persons who is authorized to do so

I have always wondered how ships coming into this harbour loaded with dynamite and only one small place for unloading which could be devastated if something eventually took place and it would make shipping very dangerous when loaded with explosives to be in one only little place of handling cargo and if an explosion occurred it would be very dangerous to the working class and also to the port and I feel that this is a law that is now being placed where we can look forward to a betterment. With that, Sir, I thank you.

MR. PRESIDENT: Does any other Member desire to speak on this motion? If not, I will ask the Honourable Mover to reply.

HON.G.E.MARRIOTT: Mr.President and Members,I am glad to see that there are only two objections to this bill and that it has the express and placid support of the rest of the House.

The main objection that was raised by the Members for Bodden Town was the fact that the bill, as they stated, is a skeleton bill and makes provisions for Regulations. Well, the reason for that is obvious, Mr.President and Members - this House is a very busy Assembly and it is usual in legislative matters of this kind to leave the matters of Regulations to be determined by another body and so, to avoid, being to convene a meeting of the Assembly, to pass, for instance, an enactment bill to amend a simple matter, such as for instance, the fees to be charged for storage - and so it is that matters of that nature are left to Regulations where the procedure is much less cumbersome and less time-consuming than having to summon a meeting of the Legislature.

With regards to the other objections, it is noted that in spite of the fact that the Second Member for Bodden Town referred to the Valuations Regulations, which will be made under the bill, that he has, nonetheless, accepted that he has no objection to the Regulations - so they seem to be in order as far as he is concerned so there really can be no basis for the objection that the Regulations will be made by the Governor in Council, since there is no objection to them.

Another objection was that there was too much power placed in the hands of the Chief Engineer. Well, of course, there must be somebody who is delegated with authority under the law for the administration of the law and who better than the Chief Engineer who is the expert in matters which this bill covers - explosives, and there is only one episode of authority which is given to him, in section 4, and that is that it is necessary for him to authorize people to possess and sell in explosives and that would seem to me to be a reasonable provision.

It was objected, as regards the Regulations, the Members for Bodden Town did not like to see fees provided by Regulations. Well, I should point out that the fee which is referred to in paragraph (a)of clause 6 is not the usual type of fee which anyone has to pay, willy-nilly, whether he likes it or not - it is simply a storage charge, a storage fee if the storage is undertaken in the magazines of the Public Works Department. Well, I think that most people who deal in explosives in the Island have their own magazines and if those magazines comply with the safety precautions which are set down by Regulations, then there will be no need to pay any storage fees to the Public Works Department, it is only if a person requires his explosives to be stored.

So, by and large, Mr.President and Members, there doesn't seem to be any real objection to the bill and, at this stage, Mr.President, I would move the second reading.

QUESTION PUT: AGREED: BILL READ A SECOND TIME.

COMMITTEE STAGE

HON.G.E.MARRIOTT: Mr.President, I beg to move, Sir, that this House dissolve itself into a Committee of the Whole House to consider this bill clause by clause and amend it as may be deemed necessary.

HON.D.V.WATLER: Second.

QUESTION PUT: AGREED

BILLS IN COMMITTEE

CLERK: Clause 1 - Short title.

QUESTION PUT: AGREED: CLAUSE 1 PASSED

CLERK: Clause 2 - Interpretation.

MR.G.B.WARRINGTON: Mr.Chairman, may I ask for a slight amendment to the definition of "explosives". I would ask that at the end of the definition after the word "effect" that a comma be inserted instead of a semi-colon and the following words added - "and includes any substance or substances declared to be an explosive by Regulations made under this law semi-colon" and the reason for that, Mr.Chairman, is that in clause 6 the Governor may make Regulations declaring any substance or combination of substances to be an explosive, so that unless we bring that within the definition clause it could be argued that the Regulations could not extend the meaning of explosive and I think that that is a necessary amendment.

QUESTION PUT: AGREED: CLAUSE 2 PASSED AS AMENDED.

CLERK: Clause 3 - Application.

QUESTION PUT: AGREED. CLAUSE 3 PASSED

CLERK: CLAUSE 4 - Offences and penalties.

MR.G.B.WARRINGTON: May I ask for an amendment of this clause - in the present law, Mr.Chairman, there is provision if there is a conviction for an offence that the explosive with respect to which the offence is committed shall be forfeited to the Crown, so there seems to be an oversight in the drafting of the bill by omitting that provision. I think it is a useful provision and I would recommend that it be re-inserted in the bill, and I would suggest the following amendment be submitted a comma for the full-stop at the end of clause 4 and to add the following words - "and the explosive with respect to which the offence is committed shall be forfeited to the Crown unless the Court for some reason otherwise directs."

MR.PRESIDENT: For clarification, is the court not a small c or a large one?

MR.G.B.WARRINGTON: It doesn't really matter in this respect because court isn't defined - its a matter again of interpreting is it to be summary convictions - it can be a common e.

QUESTION PUT: AGREED: CLAUSE 4 PASSED AS AMENDED

CLERK: CLAUSE 5 - Powers of Constable.

QUESTION PUT: AGREED: CLAUSE 5 PASSED.

CLERK: CLAUSE 6 - Regulations.

MR.CHAMBERS (MRS): Mr.Chairman, arising out of the Regulations, what I gather is full substance of the proposed amendment bill that is to have a complete control over explosives in the Island and in (c) control dealings in storage and use of explosives, as was pointed out by the Second Official Member that apparently there wouldn't be any reason for the Public Works Department to have a magazine for storage so it would then be create laws against the importer or storer whoever it may be - if they have proper supervision of their own. What I am

MR.CRADDOCK BROOKS: (CONTINUING) trying to reach, Mr.Chairman, how will Government ever keep a proper control if Tom, Dick, Harry and John have magazines all over the Island all over their control?

MR.JOHN S. JEFFERSON: That's a very valid point.

MR. CRADDOCK BROOKS (CONTINUING) Over then if Government is not in the position to know what there is and what goes with, there definitely can't be any control.

HON.G.E.MARSHALLECKE: Well, I haven't studied the Regulations very carefully, Mr.Chairman, but I can see that could be provision made in the Regulations for the Chief Engineer to know, at any time, just what should be in anybody's magazine. Because just like a Bonded Warehouse - when explosives come from the magazines then there should be some set up whereby the Chief Engineer would see the consignment of the papers and know what went in and whenever any explosive is taken out, likewise, returns should be made to the Chief Engineer so that he can know at any particular time just what the contents of any magazine would be.

MR.JOHN S. JEFFERSON: I think the Member from North Side, as far as I am concerned, made a contribution there and I personally would like to see them stored in one place, personally. I would like to know that one person held them and that those that were responsible went back to pick them up. I don't think it is good to have that scattered here and yonder, because like the Member said, there certainly would be no control, that's a fact. I would like to see the responsibility placed in the hands of one person, or one group and they be responsible for the explosives. If I want explosives I would go there with a warrant or something, Commissioner of Police, or somebody, pick them up and that person alone have the explosives that were here in Bermuda

HON.G.E.MARSHALLECKE: Those are all matters, I think, for the Regulations, the Regulations can provide for all that. To have all the explosives, of course, stored in one place, that would be an ideal blowing, if they ever blow up, whereas if they are stored individually in different store-houses, magazines, the risk of that would perhaps be minimised.

MR.CRADDOCK BROOKS: Mr.Chairman, in Section 2 Chief Engineer means the Chief Engineer of the Public Works Department, in other words that is the top authority in dealing with the security of this explosive and if, whether it is in the magazine or it is in use, and not into the jurisdiction of the control of this officer, then as far as I am concerned, the whole thing isn't worth arguing, if he can't see what comes in and what goes out, I mean by the proper channels, then, as far I am concerned, let me be frank, its all wasted time here. And I can't support this part of it, other than that. I do appreciate the guidance and I do hold the respect for the Second Official Member, Sir. John Brown is an importer, dealers in Government, the Chief Engineer may very well see that John Brown in the area of Hodden Town puts 50 pounds of explosives into his magazine, he being a licensed importer, a licensed user, then where does it go from there? Does the Chief Engineer know what he takes it out or who he sells it to or who he gives it to or when he hands it to what he does with it.

HON.G.E.MARSHALLECKE: Well, Mr.Chairman, I think .....

MR.CRADDOCK BROOKS For this is then in the jurisdiction in the why.....around now, I mean, in other words that nobody could get the use of it, going through the right channels, except by the Chief Engineer.

ROB.S.S.MADDEN[illegible]: Mr.Chairman, there are provisions that can be covered by the Regulations. I mean clause 5 as it stands, in my estimation is in order and perhaps much on what was raised by the Member for North Side can be dealt with in the Regulations and generally, I can't see any great difficulties involved because the situation seems to us to be akin to that of a bonded warehouse and I think in the Caverns, bonded warehouses are constructed by the Caverns.

MR.JOHN R.CARTER[illegible]: Mr.Chairman, I would be willing to accept what the Second Official Member said if we were given an assurance that in the Regulations that this would be taken care of, but I think the point that he has made is a very valid point, namely if we are going to be in control of explosives then we must be able to know exactly what comes in and what goes out. Let's not make any mistake about it, people can go to the North American Continent and no doubt buy three ten thousand dollars worth of goods and have invoices to support that of six thousand and by the same token, I am saying this is where it is so important that we know exactly what comes in and what goes out, what it is going to, that somebody is in charge control.

HON.K.H.DONALDSON: Mr.Chairman,I would just like to direct the Members to section 4 and, forgetting about the Regulations, but this says 'anyone, not being authorized in writing by the Chief Engineer on that behalf, has in his possession or control, sells or buys, barters, deals in stores, transfers, exports or uses', so regardless of where this explosive is stored, to have any dealing in explosives one has to be authorized in that behalf by the Chief Engineer and if somebody is dealing in explosives without having this authorization then we have a contravention of the law which I don't think anybody can give the assurance that somebody who is not authorized won't get in possession of explosives. Surely, people will break the law and I see it that at this is extraordinary in quarries, because I believe that the first explosives law, dealing in particularly with powder came into being when we began the airport back in 1952 or 1953, that a lot of dynamite was going to be used for rock - that is when our Cap.52 came into being and surely if this explosive for instance, we have two quarries now in the Island that we know of and if it is going to be stored in the Public Works Department and every week or every two weeks trucks have to be having explosives from the Public Works Department out to the site of the quarry, it would present a much more dangerous exercise to the public than having these people, who are licensed to be in possession of this, take it direct to their quarry. As I was in here, the legislation takes care of once how the magazines are to be built, the distance from other magazines, and the shape of them and this and that and the other thing and I believe that it is covered properly, as far as I see.

MR.JOHN R.CARTER[illegible]: My point that we are worried about is that the Chief Engineer could give somebody authority in writing, but is that a guarantee now that the person that has been authorized in writing, or other words somebody must have to be constantly checking to see that there is no violations. I mean this is something we don't afford to do, Hon. I am still not satisfied that the present round of thought put forward anyway, dealing with section 4, 'whereas not being authorized in writing by the Chief Engineer in that behalf' - but I am saying that when you are dealing with explosives, I could go and I could become an authorized dealer, as I said handling explosives but if I am not constantly checked or I could be selling it to John Brown - right then could be using it for something else. Does you see it. At any account, that is the idea.

HON.W.W.CORDON: Mr.Chairman, speaking on that I would think that a person who has a licence to import or to use explosives as we know it, dynamite, for instance for their quarry, has it under a license and if that particular individual is so irresponsible as to walk in to anybody just as I do I would think he doesn't take care of his license and he would be an awkward trouble as far as his development is concerned. Not for the fact that he would also be breaking the law.

MR.JOHN D. JEFFERSON: It's make no mistake about it, the public has been able to use it from quarries, various sectors of this community without going through the regular rigmarole or red-tape that has been no doubt affected on.

MR.CHAIRMAN SPEAKS: Mr.Chairman. Memorandum of objects and Reasons here out that there have been numerous complaints which the reason why this is being brought here and wanted to be brought up to the standard of the place where it is completely controlled. Even though we try to avoid that such I believe all Ordinance there are get-away-with but if its to be supervised and under the full control of the officer, it ought to be in the place and in the manner that the officer can well see what's being done. I have read A and I have seen all it says, but does that take care of what appears or will appear in the Regulations and how much opportunity will I have to change it or argue about it after it becomes a Regulation and goes into effect and what-not. I will say , Mr.Chairman ,that it appears to me it should be in the manner where it can be better controlled than what I see apparently will appear as we here.

HON.A.A.GRAY: Mr.Chairman, as I understand what the sponsors really want is to make sure that explosives are properly controlled and distributed, and I believe that the frame-work is here to make the Regulations under, that is the control in dealings, in storage and use of explosives for the disposal of explosives, providing safety precautions for the use, handling and storage of explosives; I think this is the frame-work under which the Regulations will be made and I am almost sure that Government will make the point of the members, to make it as water-tight as possible. The strictest control will be exercised on the use of explosives.

MR.JOHN D. JEFFERSON: But now Mr.Chairman, as someone just said before a few years ago, ten pounds of dynamite disappeared - can anybody give any account for that to Government or anybody where this is what we are saying and we are not going to let this up until we have that assurance that its going to be controlled.

HON. A.A.AUSKI: But, Mr.Chairman, isn't this the purpose of the whole law to put the explosives under better control? I think this is the purpose of the new law which is before us now to have better control over the use of explosives,importations and otherwise.

HON.W.W.CORDON: Mr.Chairman, despite the explanations from members wanting to see the Regulations it appears that Members haven't read the Regulations,the draft regulations. May be if there is a particular point in the Regulations that Members feel that doesn't cover this point correctly, they could bring this up.

MR.JOHN D. JEFFERSON: Mr.Chairman, the Regulations are only as good as the Law and what we are saying is that as far as we are concerned we have not satisfied that this law as it is does exactly what we mean to mean , because as I see it there are loop-holes because people, as far as I am concerned, it is still not plain or the law does not say put it in the hands or place where somebody can definite control. I am not saying that we pass the bill and say that the Public Works Officer is the head or the Commissioner of Police, but I am saying here what is brought in whether it is disposal,are it there is - that's what I am

MR. JOHN D. CHEESEMAN (NORTHWOOD): worried about, that's what I am saying - we - as far as I am concerned, its not being controlled in the manner in which I think it should under this.

MR.CHADDOCK BANKS: Mr.Chairman, until approximately 2 years ago when you went into the Police Department and had your vehicle inspected, you could go to the various districts to the sub-head departments and pay your taxes. That law has been amended and has been changed and the reasons for it, they wanted all fees paid into the Police Department under the Traffic Department so that there could be a better control. That's the substance of all I am arguing, Mr.Chairman, that if who is responsible going to the security measures carried out, if its not within the limits or those one can see it or deal with it daily, then it can't be the control that is pointed out here to us as what is being requested, we asked for the passing of this so that Government will have them proper control.

HON. PERCY SHANNON: As the Member on this side pointed out, some Members evidently didn't take advantage of the draft Regulations which were circulated, because the arguments that are being debated here are covered actually in those proposed Regulations....

MR. JOHN CHEESEMAN: Could I be excused?

HON.PERCY SHANNON: Well,I'll call your attention, for example to Section 3 which deals with the application for a permit to the Chief Engineer, there is every indication here that a person's or a firm's character will be taken into consideration before a license is issued, Section 5 prevents or prohibits a dealer from supplying to other persons who are not in possession of a permit to store explosives or himself has a dealer's permit and (d), section 10 makes regulations for the records that must be kept. And not only that, they are kept for two years after the last entry in the register - it makes provision for the register to be kept for examination by the Chief Engineer and they must keep it for two years after. And there are similar other provisions in the Regulations. The application to insert, for example, must be in the form A - you must state the purpose for which you are going to use the explosives, the magazine in which it will be stored, the country from which it is coming, the amount and so on. So it seems to me that those points are adequately covered in the proposed Regulations.

A law can't go any further than to make provisions for the licensing of persons to have explosives or to permit the importation, no more than it can, it we were to take the argument, as I understand it, being advanced, you would also have to exempt that once a person had a fire arm license they would have to leave the gun with the Police, or if you registered a motor car you would have to leave the motor car at the Police Station. This seems to be the argument that is being put forward here, that the item licenses must at all times be under the control of the licensing authority, well, then the licensing authority would have to travel with each motor vehicle that goes on the road. The Regulations, as I said, seem to cover every technical aspect of this thing that could be considered plus every consideration of human qualities and record that could be thought of, as I see it. I can't understand the arguments that are really being advanced.

MR.CHADDOCK BANKS: Mr.Chairman, I am not a bit shocked, because I will not give the Member credit, if I read the Regulations a dozen times, I wouldn't understand what is in it, but I am prompt to say that my ignorance has never been exposed in here any less than his and - have enough sense about me to know that I am not going to support this six as is, sir.

HON. [illegible]: Take the vote now, Mr.Chairman,

MR.PRESIDENT: Well, I think there has been good ventilation of this clause and I will put the question.

QUESTION PUT: AYES and NOES,

MR.PRESIDENT: I think the Ayes have it.

CLAUSE 6 PASSED.

CLERK: CLAUSE 7 - Repeal of Chapter 52.

QUESTION PUT: AGREED: CLAUSE 7 PASSED.

CLERK: A LAW TO REPEAL AND REPLACE THE EXPLOSIVES LAW,

QUESTION PUT: AGREED: TITLE PASSED.

MR.PRESIDENT: That concludes proceedings in Committee on the Explosives Law, 1975.

BOOKS RETURNED

LAWFUL THEREOF

HON. G.E.HAMMINGTON: Mr.President, I have to report that a Bill entitled the Explosives Law, 1975 was considered clause by clause by a Committee of the Whole House and passed with two amendments. Clause 2, Mr.President and Members, was amended - the definition of 'explosives' had the following added at the end - the definition was substituted by a comma and the following words added 'and includes any such substance or substances declared to be an explosive by Regulations made under this Law,' and clause 4 was amended by substituting the full-stop at the end of the clause by a comma and the following words added - 'and the explosive, with respect to which the offence is committed, shall be forfeited to the Crown unless the Court for good reasons otherwise directs',

SUSPENSION OF STANDING ORDER 54

HON. G.E.HAMMINGTON: At this time, Mr.President, I would like to move the suspension of Standing Order 54 in order to permit this Bill to be taken through its remaining stages at this sitting.

HON. A.V.BUTLER. Seconded.

QUESTION PUT: AGREED: STANDING ORDER 54 SUSPENDED

THIRD READING

CLERK: THE EXPLOSIVES LAW, 1975 - THIRD READING.

HON.C.E.HAMMINGTON: Mr.Speaker, I beg to move, Sir, that a Bill entitled the Explosives Law, 1975 be given a third reading and passed.

HON. A.V.BUTLER: Seconded,

QUESTION PUT. AGREED: THE CLERK A THIRD READING AND PASSED

PRIVATE MEMBER'S MOTION - CADASTRAL SYSTEM. Moved by Mr. Orlando Smith and seconded by Mr. D. Hall Warren

MR.PRESIDENT: If I might say before we begin this motion that one I think will have to be taken by all members not to contravene one of the Standing Orders, Standing Order 24 (8) (a) which says that "no motion on which a judicial decision is pending matters should not be worded in such a way as may prejudice the interest of the parties thereto". This would not preclude general remote but I think Members should take care not to mention names, mention specific cases on which petitions may be on which appeals may come forward. That does not, of course, preclude the matter before the House being debate in a general way

MR. JAMES M.BODDEN: Mr.President, fellow Members, I am certain that it is not necessary for me to rise out of my seat, as it has been circulated and I am certain by this time that we have the full support of the House upon the Executive Council.

Let me begin our case on the motion, Mr. President, by saying that we have got a wide and deep waterway that "crossed in the line a mile the sea spread across far and wide", as the Reddin Town Members was recently quoted as saying years and we've been told we have been asked to bring this motion so being aware we will dress ourselves in the lion's skin and try to spread across far and wide. (Laughter - Applause).

Mr.President, when the Cadastral System was first brought into this country, that was suppose to have been the legislation that would have cured all ills. It was supposed to usher in an era in Grand Cayman or the Cayman Islands rather that the people had never heard of before, or never recognised. I can remember one of the people connected with this making a speech in one of the districts not saying that there would be no more tension and bother by fight brother.

Now during the setting up the Cadastral system, at that time I took opposition to what he said because I would not see it coming about. But now I have to retract and I have to say I agree with him somehow there is section which left the brother to fight brothers out.

Mr.President,if you had been in this country at that time, you would have heard the sound words flowing around the country-side like honey - believe me, it was never anything you supposed to be in part of the cadastral system at that time, I stood up like an ass and said what I thought and came into the Legislative Assembly I can say without I could add something to this country. I felt that I was responsible for the people who gave me the honour of representing them - that is something I have not lost, something I will continue to pursue as long as I remain in this House. I will also take one other thing plain, and that is that if my colleague and myself should stand for the next election, I am prepared to make this an issue in the next election that the Cadastral system in some of the sections, it will be unfortunate should the opposition of this House be changed. I have no fear in saying that, Mr.President because I stand behind it.

I would like to take some time to go through this law and to point out some of what I consider the difficulties. I think the major stumbling block in this particular law has been the lack of definitions. I would point out to this House that its was more case where education and ability was used to over-ride the wishes of the Legislature Assembly - this has happened so many times in the past due to the seemingly tactics that are employed at this house from time to time. It happened, Mr.President, because the Members of this Legislative Assembly followed blindly the words that they were told, particularly by the Members of this Assembly and by the Second Minister

MR. JAMES H.BOWEN (MONTSERRAT): Member of Government.

I would like to say that at that time the Members of this Assembly believed this advice believing like Peter did with both in the Biblical times " Whither thou goest I will follow". This was the attitude that was displayed in this House and this is the way in which it was followed - "whither thou goest I will" without any thought of what tomorrow would bring.

On March the 23rd 1971 the Colonial Bill, introduction of it was pursued by this House - I am certain that we can check the records of this House and we can check the history of this Island and we will find that it is the only time in our history where the entire elected membership of this House stood solidly together on an issue. There must have been justifiable reasons at that time to get 12 people who represented different opinions, different sections of the community, to come here and vote on a subject believing that they were right. They stood solidly together. After that happened, Mr.President, the President of this Assembly was travelling to London and I quite remember his return to this island and his return to the Assembly and the speech that he made. It over a week of State was abusive to the people of a country in that particular speech, our Head of State was abusive.

He told the elected members of this House why do not in the words that I am going to quote but saving the modesty of him " You will pass it or I will pass it over your heads". Now this is nonsense what happened. What he said that statement, with all due respect to the Speaker of this House, but certain members of this House fell like ten pins in a bowling alley, the result being eventually the Colonial system was passed. This is where, in my opinion, Montserrat should have made history, because at that date, the twelve elected members, in my humble opinion, should have acted as they had stood before in complete objection to it and not being like the walls of Jericho when Joshua marched around them. Remember a West Indian saying about Joshua - "Was a good thing there wasn't some Joshuas at our time."

Mr.President, again on June 9th, 1971 this Bill reappeared in the House. This again is contrary to the Standing Orders of this House under which we operate and which are so often used. It is just similar to the story my colleague and myself took this morning because once a precedent has been set it is easy to return to do the same thing again. In precedent was set, the Standing Orders were broken and instead of a six months period going by before a Bill is a Motion moved to be introduced again, the House blindly went along and accepted the introduction of the Bill. Needless to say, it was passed. At this time everyone wondered why all of a sudden the Mother Country had become so benefficent. This was brought out even more so, Mr.President, when Mr.Lawrence was brought to this Island to speak and to preach the good tidings.

Some of our members were even shipped off to the Turks and Caicos Islands, which were supposed to be such a model of how this thing worked. I am pointing this things out to show that there was no evidence that could be spent that will not spent on that one - nothing could be done that was not done to try to sell this package. I remember taking the newspaper on the steps of the Town Hall on Friday time to Mr.Irving and to Mr.Lawrence - "You are both excellent salesmen I wish to God I had you working with me in the real estate - we could really sell some", however they did a terrific selling job throughout this Island in selling this idea.

The minutes of the different meetings that were held, Mr.President, will bear out that the Members of this Legislature stood firm for definitions of "reasonable" and the protection of the people's right, as previous to this the Government had stated that all lands in the Islands, the titles of them were vested in the Crown, through the lords of land grants. I remember taking this up with the man at the time who was Administrator of these Islands, who went so far as to tell me that even the land where my house stood on, which has been in my family for over two hundred years and not belong to me. This is the attitude

MR. THOMAS A. JEFFERSON (CONTINUING): That was taken at that time as the Members of the Legislative Assembly and the people of these Islands had justifiable reasons to wonder what was going on. They had justifiable reasons to be willing to stand up and be counted.

We consider the land grants - it is true that no one, I think, would be capable today of determining the conditions of the old land grants, the fine print that was given, because I am sure that the first troops and so forth contained in them have long been gone. Because that, Mr.President, there were many other things that had to be fulfilled, so England knows and we know that most of the land grants are actually in force, but the Mother country also knows that under her common statutes there are other ways that titles to land can be acquired and the people of this country, in my humble opinion, did acquire theirs.

The first reference in history of the Cayman Islands was roughly in 1503. The Cayman Islands were ceded by the Treaty of Madrid. I think it was in 1670 to the British Crown. History will never die back, Mr.President, that until roughly 1830 there had never been a paid British Civil Servant come to this country. No attention was paid to it at all - Cuba was only an occasional man-of-war calling here now and about two occasions, I think, it brought the Governor from Jamaica when there were certain things that they wanted to settle but we did not have any established type of Government on this Island, there was none. For over 200 years the people of this country ruled themselves. I know that I will bear it was not times like today and that is true. But as we sometimes see today and history again will prove us right, that is every century you faced as the problems we were faced in the last century. Today we are faced with many problems in this world, economic, social and so forth and so on, what the atomic and hydrogen bombs - the complexities of life are many but if we could put ourselves back one hundred years the people of this Island or the world in 1870 their problems of that time seemed as great as ours do today. There less difficulties. Sir, it is just very funny - money today how it certainly is - it has buy certain things - a hundred years ago it was still the same thing. It bought only a certain amount whether it being changes, Mr.President, it is like the old Mississippi, it just keeps rolling on. So, Mr.President, our people were here - no one paid attention to the Cayman Islands and I can remember taking some years ago to one of the old inhabitants of North Side who told me the history of his family, how they had come to this Island. Either the Grandfather had been on a ship from Aberdeen Scotland and was ship-wrecked on the southern tip of Cuba and came to this Island and went to work for my great-great grandfather one of these two Bowdens and in working for him, he was working on the eastern end of the Island. At the central part of the Island I would say and naturally there was a lot of land there. And he just started saying out and saving out and cultivating until he established ownership of his own land and until he became one of the subjects of North Side.

This might be boring to some people, Mr. Presidents, but this is how this Island was settled - this is how the people of the Islands established their rights - this is how they became land owning and I am saying why after they were willing to battle this country and to build up this country, to make a life for themselves here, why is it that all of a sudden we are willing to shrink everything down - to change everybody. This is how the people of the Cayman Islands came into this land - there was no Registrar General down here or no minister or anyone else, where the people from North Side could row their boats across the North Sound or the people from East End side their horses down to Bodden Town and if they were lucky they caught a canoe from there to come to George Town to register a piece of land. You must think back as to what this Island was faced with. When people today say to us "Oh, you must have this, you ought have that" we must think what the older people went through to establish what is here today. We must not just accept it for granted that they had adequate service and delivering service was so far and so back and

MR. JAMES M. MCKEEVA (CONTINUED): hundred years ago. So I am submitting to this House, Mr.President,that the British Crown lost all rights that they had to any land in the Cayman Islands when for over two hundred years they paid no attention to this country.

To me it is just like a Father deserting a child when it is one year old and then when the Father gets about eighty years old and he is blind and infirmed, requests that that child, just because he has the blood of the Father in him, is going to hold his head and take care of him, put him in his grave. To me the world be as right as the other. I owe my Father respect and love because he did not do - a figure my kids owe to the same thing but if my father had deserted me I would have no respect for him and I think that the Mother Country put herself in the same position when 250 hundred years we were never known. I am as loyal as any British subject, but my loyalty comes first of all to Grand Cayman, which is the land of my birth, may be I wouldn't feel that way so much if it hadn't been reared through my boyhood so much, through the Government.

Before departing from that subject, I wish to touch on another one that I think is quite relevant to it. The not a member of this Assembly, if he will speak his conscience, will not say that he has seen too many politicked by this Government from time to time telling the Londoners to build their swamps because such and such an area in the mosquito control area. How if two years ago we were asking the people to build these houses accepting that there was private ownership, asking them to go to the expense of doing so, what has happened now ten years later then. They have lost those rights! How ridiculous can we get!

There is only one country in the world has suffered more than Cayman and that is - Hungary When the Russians raped them and brought their tanks in after the revolution and crushed them, the only thing is that here was done with paper money and money.

Before departing from this, Mr.President, I must be remind this House a little again about our past history. Our people came here from Europe and Africa and they went through a lot of misery - we have been told that some of them were shipwrecked, mariners and being a seaman in those days, if history is correct, was not a nice thing. Some of them, we were told, were deserters from different armies, but nevertheless, however they came here, there's one fact that stands out and that is that those people came here because they would not tolerate oppression in whichever country they came from. I am sure that coming to a Cayman of 1675 was much, much worse than a Europe of 1975, with too many loss of may be the ways and so forth. But those people came here, they built up this country and it is through the sacrifices that those people made today that we, as Caymanians today can enjoy so much - that's where we just did it in the last five years since we got a ministerial Executive Council. This thing was established, Mr.President, from the time our people first came here in the early sixteen hundreds -they set it for us then. They built something on which we can build and I have said to the members of this House before, I will say it today and I will probably say it many times in the future, that I wish to God we had the Caymanians today with the backbone that our forefathers had, because I believe we would have a much better Cayman, because I can assure you, Mr.President, that look how hundred years or more ago it didn't take anything to happen for our ancestors to get together and put together a wonderful petition to send to England - many of them were sent in what we may consider trivial reasons.

I am not going to tell this Hymn that they got anywhere by doing it, because in most cases they were looked on like my colleagues and myself are looked on in this House today, but at least, Mr.President, they had the guts to do anything. Today that Ancestral fortitude seems to be missing - we accept and we follow blindly, as in Biblical times "whither thou goest I will follow".

MR. CARLOS M.FOLGAR (IDENTITIES) Going back, Mr.President, to when this was presented to this House again I would like to quote a statement that was made by the Second Official Member who said "I can see that no land will be Crown land, I can hardly imagine any unclaimed and unoccupied land in the Cayman Islands". Mr. President the bad thing about that is that the Assembly believed him and they believed him and his advice as always to slaughter. But I am pointing this out, Mr.President, solely to show that at that time there was never or just a plain understanding that there was little bit of Crown land. I am pointing these things out again, Mr.President, to show that the intention of the Legislative Assembly members was always that the people's right would be augmented. They insisted and they wanted our local customs to be written into law, now instead of that they were lead down a garden path of iniquity.

This Select Committee, Mr.President, tried without success to get the possession and the legal customs defined and written into that law - they also tried to get inserted into that, with the approval of the Legislative Assembly and I am going to tell you today why that was not done, Mr. President, in case the Members have not followed it closely. Only six votes were taken on that - three of the members saw fit that "with the approval of the Legislative Assembly" should go into the Law - the other two members with the Chairman, voted against it and the Chairman used the casting vote,that should never have been done, Mr.President, we shouldn't have it - this law should have been straight, as far as I am concerned, on particularly that one point - because in any rules of debate or any other rules of order when you are faced with a dilemma like that it should be left until you have more members to vote. It should be left as a continuing subject that you will deal with, but instead of that, our whole rules really got into issue.

I am going to follow on in this, and I am going to point out to this House some of the adjudication hearings that have been held, and in most of these hearings the big definition was to define high water mark and in nearly every case the adjudicator has said that for all practical purposes the high water mark is the line where the mangroves meets the sea. But that has been forgotten. I would refer this Paper to an adjudication hearing on 1/20/1974. It is customary, Mr.President, that when a man was given occasion to do a job for him he either gives him verbal instructions, or if he wants to guarantee it or probably he puts it in writing, but irrespective to how a job was usually done in one or the other manner, so it was natural, Mr.President, that in July the 1st of 1972 it was natural at that time that the Government of this country would have given a directive to the adjudicator or the man in charge of engineers or whatever we call him, as to how the cadastral system would be carried out. Mr.President, that was given but in the booklet that I referred to mainly ago, 21/2/1974 we find, Mr.President, amendments being given to another direction that was formulated in September of 1974. That's a completed direction, Mr.President, and it is different from the one in 1972 and I am sure that you remember those three fools been coming to your office, I think it was even of more than one occasion, about this matter. We had several meetings with the Honourable Fourth Elected Member to Executive Council and his staff and we knew fully some nine things, etc. We were told we had nothing to worry about, everything was just as it was before but finally, Mr.President, that directive did show up an omission was made by Mr.Wright that he had written this direction and inserted it into the files and that is the direction under which we are operating on the Sistrunk and Midlands districts today and it is a directive to the cadastral system,Mr.President, completely different from the one that was issued to them originally in 1972. That is why we are taking great exception to this - we have stood against the cadastral system and its enforcement in many different

MR. [illegible] (CONTINUING). work from its inception. I am not going to say that there are not some things about the Colonial but the bad is outweighing the good. But, Mr.Speaker, we are more incensed over the actions of it now than we have ever been before because we will submit to this House that the Eastern and Midlands districts are being treated in drastically different manner under the Colonial system than when the Western District of this Island was born, and until we get that was given to the Western District we are going to continue to bawl.

Some months ago the Adjudicator that had been appointed for the Island - an appointed Member and Mr. President, this man, in my estimation should never have been appointed for this job. The man has been associated with the Colonial System ever since it came to Cayman we lived down up here in this little wooden shack. We know everything about the Colonial system, as to how it worked here. He was in charge of the field work and so forth and I do not believe that any man is capable of serving God and Mammon - he must either serve one or the other. And if he was going to do that job I do not believe that you can take him and just put another title on him and put him in a position of where he must be an impartial judge. I think it is against human nature - I don't think there is one of us that could do it. And I think that this Government was very remiss in appointing that man to that post. I have said why so hurriedly and I think the man is a very biased individual.

Now, Mr.President, in the Midlands and Eastern Districts of the Island the tactics have changed - we know are we challenging it as swamp land based on high water mark because the claims have been laid on the Island centres and the Administrator himself has said that the high water mark is the area where the mangrove meets the sea. So we find a different challenge when we get to the Midland Districts and we are being challenged there, not so much on the basis of it being that bit of swamp, but not on the basis of where the high water mark is - it is being challenged as waste-lands, and so Government's claim under Common Law, the Common Law of the Cayman Islands that when an owner owns land on this side and another one owns land on this side and there is a cliff or a swamp in between it is split half way through. Now this is where the battle is going now - this is where the wrong information or misinformation also is coming from because, Mr.President, I consider one thing, I probably am not an expert - I wouldn't want to be one - but I probably know more about Cayman history than any other fifty people in this country to-day and I have spent the money to learn it, and if we are going to talk about Common Law in this country everyone being familiar with it knows that the Island is very small and there is actually not any difference from what would be common law in what they than what would be common law in sudden Creek, and we also know that under our common law for this to apply better, it had to be dry land on this side and dry land on this side and you split in between. Now Government has come up with this - they have forgotten about the high water mark with the swamp and they are challenging under these two other things and they are saying that they own it, Mr.President because they own the high water mark. There is no dry land then on the high water mark. So how are they going to claim under local status - how are you going to claim under local status? When high water has always been dry land - some and you divide the swamp or the cliff in between. You have no dry land on the North Sound - all you have there is sea land - you admitted it, you've said so before - your claims on the Western end of the Island have been on swamp and because you lost them there you've changed the tactics on the Eastern end of the Island.

Mr.President, I wish I had forty men like me and my colleague here in the Eastern Districts and I tell you it wouldn't be going through.

MR. JAMES M.BODDEN (CONTINUING): All of a sudden, Mr.President, Government is going to be the owner of roughly ten thousand acres of land in that area that they have no right to believe, stamp taxes have been paid, Lands has been done, title has been done and they have made a mockery of everything that has been set up in this law here, Mr.President, just because the court under which this operates. Any magistrate's court is nothing but a kangaroo court, I am ashamed to be a legislative member and to approve the actions of a man like that and such a hearing. I have heard him act in that court and just about hail people " I do as I see fit". My God, isn't that a shame? How long are you going to tolerate it? If this man has that belief but also believe that the belief of the people in this country and the people on this Legislative Assembly are different and they be sent operate under our laws just like every other judge operates under our laws - this man is an exception

MR.PRESIDENT: I don't know how long the Honourable Member is going to go on, but would you be prepared to take an interruption at this point?

MR. JAMES M.BODDEN: Yes, Sir.

MR.PRESIDENT: I think it is likely to go on this afternoon.

MR. JAMES M.BODDEN: Yes, Sir.

MR.PRESIDENT: Well, the Honourable Member having consider the hour until this afternoon I will suspend proceedings until 2.30.

HOUSE SUSPENDED

HOUSE RESUMED.

MR.PRESIDENT: Please be seated. Proceedings are resumed

MR. JAMES M.BODDEN: Mr.President, to resume the debate on the motion before the House of this House, I'd like to begin by saying that we have pride ourselves in this country on the freedom which our Government enjoys abroad. The growth of this country has been founded on this freedom and we go on the next test if we continue the manner in which we are acting, the character and belief of integrity is going to be lost. People do not invest money philantropically - they invest it in the belief that one day it will bear fruit and we have had a lot of investors that have invested money in Cayman under the faith that has been established in our Government with them thinking that this investment was sound and was safe. Should we continue our attitude we are going to be looked on as one of the banana republics - we do not have the bananas so they will probably call us the mosquito republic. But it has become alarming, it has reached a dangerous point and if it continues we may have seen the debate on the last big budget for a long time yet to come.

We see Stair bring hand-picked - the adjutant-master's reports and the reports that we hear are that this land is being given to loyal Caymen people of the Cayman Islands. I am as Caymanian as any man in Cayman and I have great pride in my country, but again history will prove what happens when law is passed to cheat the people of the Cayman Islands. We do not have to look any further than the seven-mile beach - the Government, at one time, owned a lot of that land. It was put out for the good of the people on a 99-year lease for one hundred pounds a year - three hundred and fourteen feet of that land today is worth a ground lease in the neighbourhood of about seventy-five thousand dollars a year to the owner. So we do not have to strike or stretch our imaginations too far. We do not even need to use the calculators of the experts to figure out the result.

MR. JAMES M.SCOTT (continuing) About a few years ago Government also owned some additional land on the seven-mile beach - I don't know if anyone today can tell you what has happened to that and we are only lucky through the intervention of a very few people that the beach land, the valuable beach land did not also go along with the rest of it. Because this is the way in which things happen.

I have heard some of the Members of this House say that he looks on the Crown Grant, the area of that, as being one of these days, a great city - so do I. I have always said that the future of this Island, I think, lies on the Great Sound, but I wonder, Mr.President, which developer is sitting in the side-lines today just waiting until the adjudication process has taken its toll and then jumps in with a beautiful plan for another ninety-nine year lease for the harbour grounds a year. At that time we'll be told that inflation has taken its toll and instead of it being one hundred pounds a year it will probably be one thousand dollars a year - we can't look for much more insurance than that. That's what will occur, so I am asking the Members of this House, not to have their eyes blinded when people tell us that this is for posterity and its in trust for the people of the Cayman Islands. It will be in trust to whoever can swing the best argument - and that's where it will go. It would be much better if it was left in the hands of the present owners who could, may be, develop it, and add something to the local economy of this Island and still not forfeiting on the benefits of justice.

This is a serious thing that we are tampering with - it is nothing to be laughed at or to be mocked at, Mr. President. It is something that is going to set the course of our country for many a year and its going to have its repercussions. I do not know how many members of this House talk to the foreign investor that comes here - I happen to talk to a lot of them - ten of businessmen and I will tell you this that many of them are talking now of removing their investments if they can, from the Cayman Islands. I have had a lot of them who have written to me - "if you can't ask what money I've got invested - well it for that - I've had enough". These are some people, Mr.President, who travel a lot of financial world, not just Cayman and we ask ourselves what is the reason - the reason is because these people have become just as disillusioned as I sometimes become, wondering just what direction our Government is taking. Are we going to take the course that we do away with all natural rights and justices - just because we are a Government and have the power to do it? Generations to come, Mr. President, will not look on us too kindly if we continue this.

I am quite certain that in the very near future we will hear a different story from Caymanian Council - we will hear a different story from the environmentalists - we will soon hear that there is nothing wrong with dredging - they have found out that the North Shore may take dredging - its not unlawful to it any more. That will come. Sir, in a period probably two years before the plan is processed where the whole area is leased out for building. Don't think I am dreaming - I am only telling you facts - I am only telling you what to expect - what will happen.

I had mentioned in a previous debate in this House about the little Black book - I have, now a copy of the little Black Book - but I am not going to deal with the Little Black Book in my summation this evening - I am going to leave that to my colleague. The Little Black Book - only half the story has been told. Its like so many other books.

In recent decisions that have come between the adjudication board the adjudicators have kept the findings, as I mentioned previously in my debate, about customs and common law, and I still say that Government cannot use this because Government has no dry land, as we call it, on the shores of the North Sound. Its ridiculous to think that a statement like this could be made. The same adjudicator has also said that Government does not have to prove any use or occupation because of the rights in the Conveyancing

MR. ISAAC H.GOODEN (CONTINUING) from the Crown. I am glad I would not have to go back and reiterate the things I have said on the issue concerning that because in my estimation, as humble as it may be, Government cannot gain this - they have lost all rights to that claim - just as a father loses it if he does not support his family.

The same adjudicator has also said that all unalienated and unoccupied land is Crown. Mr.President, the argument I have had with everybody associated with this issue the time it started is why occupation was not defined in the law. If this had been defined, Mr.President, more thoroughly, we would have found that we might not be having this argument today.

I am going to deal with occupation a little bit further down again. The same adjudicator has also said that regardless of evidence of title and/or possession the Crown's right must prevail. What is this man telling us? He is telling us that he is above the law, he is telling us that he makes his own rules and regulations - he is telling us that this country has no reason to be here, because the Assembly of this country like any other assembly is what makes the laws that govern that country. This is a ridiculous statement, in my mind, for a man in his position to make, to say that the possessing of title, evidence of title, less or less, has no meaning - that the Crown's rights must prevail. Where does this Crown right really come from?

He has also said in cases where documentary evidence was submitted to him was of these documents going as far back as 1820, these documents stated boundaries by the sea - we have always heard that over 30 years, if the Crown had a right, 60 years of documentary evidence precluded that. All of a sudden this man is coming here and he's telling us that 60 years is no good - that document takes the place of the rest of the whole lot of them. This is ridiculous for these statements to even be made that you think to make a precise binding in court on them.

We have gone further and it no one really knows what Government has claimed, because in every decision as for that has come down the exact exact boundary is undetermined and speculation as the use of even the adjudication land has been placed on it until such time as somebody in their better wisdom comes along and decides where the boundaries line is. So may find at that time, Mr.President that where we think the line is today it will be in another half a mile again, who knows?

When the adjudication Law was put into effect we were told that twelve years would give a good title - and we have been told now that sixty years does not give a good root of title - this man has made this statement, Mr.President, he has said that these documents are ancient. That is the reason for not accepting them and giving the decisions that the land should be given to the rightful owners - he is saying that the documents are now ancient because they are sixty-three years old. So he is not willing to accept a documentary title which has been stamped and recorded and registered in our Government under our previous laws and which is sixty-three years old. I do not know how long we are willing to tolerate this or how long we are willing to go along with it but, Mr. President, the day is fast approaching when Caribbean must have its right, one way or the other.

Another point I'd like to touch on is that this claim today is being based on having, let's say, little commercial value and being considered waste-land. It has only been in the last few years where the commercial value of this has been realised even by the owners and it has never taken such colour than that the Government is saying that it has a commercial value.

People on the Government side will say that it its value land and it cannot been used and so forth and so on, but, Mr.President, we must think of this over a hundred years ago, the reason why it was not accepted and used as much is put to such land today is because of the nature of it and the mechanical equipment

MR. JAMES K. POLLARD (CONTINUING) ...and labour and money was not available at that time to own this land. All of a sudden, it has been proven that that land is worth something and can be used and all of a sudden we have all of these claimants to it. Just because it was not used before we have got to realize, we have got to consider the condition this island was in one hundred years ago before we try to penalize -- that's right by saying because he did not use it he should a house on a hundred years ago he shouldn't have it today.

He has further said that documents in that case have not -- say, read the extent of the land and does not have previous survey maps attached to it that they cannot be accepted. Again, a very ridiculous thing to say because if we go back thirty or forty years ago in the country you will find that nearly every document in it was done so that they would say "bounded on the west by lands of John Thomas, bounded on the east by lands of the Honourable Kamran Donnelly" and so forth and so on. They would have no such attached to them. There would be no distinctive markers on it and even if somebody said there were thirty acres of land in the document I'll bet even any examination when it was surveyed and it was found out you had fifteen -- I have seen occasions where you subtracted in thinking it you had thirty and you had forty-five, so again this is no valid manner, Mr.President, because that was not the method of making documents in those days and we today should not suffer because of the documents that may have prevailed -- three hundred years ago. I am not talking about ignorance literally, I am talking about ignorance like the sense of having a solicitor drawing and being known as an lawyer.

Another thing that he has made his decision on is one -- he says that most of this land has not been used sufficiently to obtain a legal possession. I am submitting again to the House Representatives that if you own something, you do not have to continually use it in order to put forward your possession, because you have owned it through a legal document which has been accepted previously in this country. I realize you quite a lot of land, a lot of it I have never seen even in my flying once it, but that doesn't prohibit anybody from going to my family for it, that I should have it just because I have not been to the land, and this is the case today that has happened in many other cases in this Island.

He has spoken about speculation by investors. I am submitting that if there is any speculation really attached to this problem at this time it is speculation on the part of Government to try to secure something that they previously did not own. That is where the speculation comes in and let us make our thing plain if Government has used the same method on the western end of the Island. There is a lot of swamp on the south side of Ebrolaye that would have gone to the Crown -- there is a lot of it on the western fringe of the road between West End and Georges Town that would have gone to the Crown -- why is it that these areas have not been challenged? It is a shame to think that you just wait until you run into the district of Bodden Town going west that you start.

Mr.President, even here on the South Shore, the same type of lands as west was on the other side of it; it has been Government land at the airport, these lands have not been purchased, Sir. Why? You know why -- because a lot of the people are absent land-owners, because there are very few owners in one sense, in theory. If they had been embedding with some of the people that had money like they have it on those who own it on the West Bay section, I believe it would never have left Crown. I would have to say again, Mr.President that I only hope that the section end of the Island has new hundred people with back-bones of steel, because if they did this would not be allowed to go on.

MR. JAMES M. RANKIN (CONTINUING): I would refer this House to the Land Adjudication Law, 1971, Section 4 and it says that the adjudicator is the board to abide by the view of the Commissioner. Let us make one thing plain, that is one little bit of protection the Members of the House felt in 1971 thought they had in this law was to put Dean Commissioner up there and I know it is written into the law that he is not bound by Grade by the views of them but I feel that the Hon. Lady who has this position as adjudicator is flaunting this in our face. He is telling us in his decision that he is minded or he is taking into consideration the views of his assessors and frankly I don't believe there is anyone in this Island that would give the views that this man has given. I do not think his assessors are capable of it, but further than that, Mr. President, I will be frank that every time I happen to attend a hearing before this tribunal and I see the two assessors sitting up there, it makes my blood boil to think that we have people in the country who are willing to sit and just sit to adorn a table and for no other reason, because they will sit there and they will never be asked anything, they will never be consulted and they are just statutes.

I would say further than that, I have seen three cases go on for in a hearing as to have an assessment on a piece that was in petition before the adjudication court and he had been the man that has sold the land. That is how much justice really prevails in this adjudication court. If you tell me that is justice we need to look some other place for it.

He is basing a lot of his decisions again on Section 11 of the Law, 11 (b)(ii) in regards to waste or unclaimed lands - this is what they used in the Midland area is being claimed from. I do not consider that land to be waste - I do not consider it to be unclaimed land and I did not think that such a large portion of Grand Cayman, approximately 10,000 acres of it could have fallen into this category. I would refer the House again to section 16 of this Law, 16 (2) and (3) of the Law. This part of the law tells you what you must have in order to get an absolute title - it tells you twenty years or documentary title, but we are finding that not even sixty-three years is sufficient for this man, just because he has been instructed by someone else and his mind is made up and if the Good Lord were to come down in all His Majesty and sit before him with a land grant given to him by Almighty in the year of the foundation of the world, he would still make the same ridiculous decisions that he is making now. But under this section, section 16 of 16 again it does give the Board discretion the right to accept a title as provisional and to determine the date possession has begun. That is my big point I would like to make - it might have come about that if our Government really had considerations for the people of this country and for the home-owners of this country here is where they would have stood up and they would have said that although possession as defined in the law say only matters for the past five or ten years, although documentary evidence of sixty-three years is no good, but you still have the power, under this, to recognise it as provisional, in at least it gives us right or for years that person can be granted an absolute title. That would have been a little bit more conducive to justice than what we have done, but instead of that it is our tactic to make a land grab and to take it over. I wonder if the Members of this House really realise what's at stake here. I would venture to say that the market value of this land at the present time would probably be in the neighbourhood of three and a half to four million dollars - there's a lot of money for private investors to give up - that is how much Government suffers have been subsidised - it is no wonder that the Members of Executive Council are so willing to increase the Town capital's bill from five million to eight million because they have no money there, not for it. But you know what will probably happen, instead of it going to anyone for the time or money it is worth, you will probably find that it is in the hands of somebody else in two years or a hundred years' lease for a thousand dollars.

MR. JAMES MASKERN (Continuing): We'll deal again with section 16 (2) (2) of the law and hear what it says - it says "a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agents, tenants or servants, actually uses or has used the land to the exclusion of the public. Provided that where it is established that any land custom or otherwise that any parcel of land including or part 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". Now, Mr.President, that's as plain as anything can be. It was that passage there puts forward the whole meaning and the feeling of the Legislative Assembly back in 1971, when they said that the possession or occupation of a part of that land will have to imply possession of the swamp or cliff land also. Now if that did not show the people right to that swamp or to that cliff why did we insert that? Can anyone tell us why this man is allowed to go on and make these ridiculous decisions, when we have it plainly into the law defines as to where the title comes from?

Let us read further - section 16 (2) (b) "good documentary title means the title evidenced by documents which establish that a person is entitled to land in fee simple and commencing with a grant, conveyance, assignment - mortgage or other good root of title which is more than twelve years old". Now, Mr.President, how far do we have to go? This is what the law tells us - it says "good documentary title" - 12 years old - not sixty but one we not yet what documents go before this one that have been now in it's recorded in 1932 and give the boundaries and give the total thing about this land, the law says its ancient. He says it is not a good root of title, but what is a good root of title when we have been told since time immorial that sixty years work against the Crown and here we have sixty-three and it doesn't work - Now we have a new law that says not sixty, but twelve years work and again the man is flaunting it in our face.

I have said it in this House during this session and I am going to say it again today - this man should be tarred and feathered and sent from our coast and whoever is supporting him should go with him.

Section 7 (1) all unclaimed and unoccupied land shall be deemed to be Crown land. Yes, I go with that if its unclaimed and unoccupied, but all of the land that we are talking about does not fall into this category - some of it falls into it and that, according to this law, is the only way that Government could have claimed and obtained title to this land, is by using section 19 sub-section (1) of the Land Adjudication Law of 1971 - it is the only way that Government could substantiate a claim.

Section 17 subsection (2), possession or receipt or grants and permits by any person through whom a claimant derives his title shall be deemed to have been the possession or the receipt of rents and profits of the claimant. Again, Mr.President, the House went a little bit further in trying to define possession - that mean if you had a rent receipt from this land it would help to determine your possessing of it and what you think about a document? A document properly evidenced is much better than a rent receipt, so not even the documents are being considered, rent receipts are being considered, nothing is being considered but what is happening? Everything is being disregarded and although the Assembly tried to put these safeguards into it so that now that somebody has come back and said "no, it goes to the Crown".

Mr.President, I would like to see the Crown own land - I'd like to see our country own Point-Ashes or anything else that we had but I do not believe that I should accept from another man and I do not believe that Government should do it either.

MR. JAMES M.MORGAN (CONTINUING) : am going to point one more more thing - for years I have heard that the mineral rights in the Cayman Islands went to the Crown,well, in the history time has been researched again Government have no law rights to these miners' rights many years ago and I can show you documentary evidence from the Colonial Office to bear that out. We were treated as bastard children, as a country with no existence for two hundred years or more and I do not believe that in this day and age we should be willing to accept such things happening to us. I say give the people back the rights that they had. Let the country get back on a fair course - let them get back to where the Government of this future can stand with its head high as it has always done. Hence let us have to hide our heads in shame. And I say that we must hide our heads in shame if we are willing to condone actions like this, because today if a young kid was to come in off the streets and pick up one of those chairs and take it out of here we would put that kid in jail - we would sentence him because he has stolen this chair. Well today the Government of this Island is doing much worse than that and if that kid could be arrested and jailed for stealing that chair then I say we have no more right to even try to enforce banking rights that we have, because we have lost the right to do it, when we condone our Government doing the same thing and I will never stop on this issue, Mr.President, and I will promise one thing to the people that if I live one hundred more years I will fight this issue until I see the people's right given back to them and I am asking it plain that will be my life ambition as if I live I will never stop until the people get back what I think they deserve. Thank you, Sir.

MR. G. HAIG MORGAN: Mr.President, I second this motion.

MR.PRESIDENT: The motion has been put out in the order paper -

WHEREAS people in the Western district of the Island have become dissatisfied with the manner in which so called swamp land has been demarcated and given to the Crown by the colonial system.

BE IT RESOLVED that the Eastern section of the Island , the swamp lands be treated as in other areas slowly demarcated and given to lawful owners and Government refrain from claiming same.

BE IT FURTHER RESOLVED that the same system be adopted as in other areas consultation be given to ratepayers Land and if necessary the law changed to incorporate these instructions that Government only come with by common law is considered high water mark.

The motion is open for debate.

HON.W.W.CONOLLY: Mr.President and Members, as the Member responsible for swamps I think it would be fitting for me to speak on this motion at this time and I will agree with the ruling you have made, Sir, that this debate should be confined to the general nature rather than a specific case and I would humbly ask that if I should, in any way get out of track, that I be directed accordingly.

First of all, Mr.President and Members, may I say that the Mover of this motion has in former a lot of allegations, outright allegations against Government's action in this exercise. It is unfortunate, Mr.President and Members, that one finds oneself in a position where one can stand in our legislative assembly and defend one's self.

MR. JAMES M.MORGAN: On a point of order, Mr.President. I think the Member is going a bit over the top, Sir. There is no doubt that I have land in this area but we also have had issues like Caribbean Utilities where those people ran scared and they still voted with Government, Sir. And I am not defending my claim - if I had land there as I didn't

MR. GEORGE McCARTHY (INTERJECTING) I would still be fighting what I think is right - I have done that before.

MR.PRESIDENT: I think it may be taken that the Member advancing this motion was talking generally and now advancing his own particular case.

HON.W.M.CONOLLY: I take the point, Mr.President, but of course I still feel like we have to be very careful on this particular point if we are going to keep a democratic government going.

Mr.President and Members, the motion alleges that there has been a change in the policy of the Cadastral Survey and before I go into that the first thing I would like to do and have it clearly understood what the resolution refers to the Eastern districts which is incorrect, as far as the adjudication process is concerned, because the adjudication system has just entered the Eastern districts - I think the Member is speaking about the Midland district of Grand Cayman and I would like to make this particularly clear that it is not the Eastern districts - it is in the Midland district of Grand Cayman.

MR.JAMES M.SQUIRE: Mr.President, on a point of order, I don't want this motion to be lost because of a different interpretation is wrecking. Ever since the creation of these in this Island the areas that we are referring to, Sir, have been known as the Eastern portions of the Island - if Cadastral has changed it now into something else I don't know anything about that,Sir, but the Eastern end of the Island, let's not get it wrong before we do anything past Bodden Town.

MR.PRESIDENT: I think the two Gentlemen are both talking about different things. I think the Member who is speaking is talking about the terminology used by the Cadastral survey and the Mover of the motion is talking about historical names for different parts of the Island.

HON.W.M.CONOLLY: (INTERJECTING) In any event, Mr.President, we are talking about swamp lands abounding on the North Coast, the North Sound, it couldn't be in the Eastern end by nobody's stretch of the imagination. Bodden Town, Rum Point and North Side could be considered the Eastern districts, but the land we are dealing with, particularly is the Midland district of Grand Cayman. I don't suggest that this will lose the motion, and I haven't made that point particularly for that - I was making it for something else - I just wanted it recorded that as far as the motion wanted it says "Eastern people in the Eastern districts".

Now, Mr.President and Members, I am going to confine my discussion to this and to discussions relating to this that were happened in the past. We were informed this morning by the Honourable Speaker that he was assured by Government that there had been no change and I will see if I can recall this conversation. It is true - a committee of five members met with myself, members of the Cadastral team and discussed this point. It was alleged by the Members that the Cadastral team had been different instructions - the Government had issued a different policy. They were assured that no policy was issued and in truth and in fact I stressed the point that the policy is laid down in the legislature and no one could change the policy - the law is the policy - the law reflects the policy.

To facilitate those members I volunteered to get the files from the Cadastral team and at a time that would be suitable to them let them inspect the files to see what had happened Mr.President, this I did - I got the files - I notified the leader of that delegation - we set up a time for an appointment to meet us this and how person turned up, and that happened to be the Member who spoke this morning.

HON.R.N.BOOTHROYD (CONTINUED) ... He was given the files, he went through the files and I think the remark he made or he was "Christ, there's nothing here". I was very much surprised to hear him say this morning that they had changed the policy.

Now going back on the change of policy, let me say this - the adjudication section in the Western end of the Island, that's the section in the West Bay, Dunlop Ridge - West Bay peninsula and it would be interesting for Members to know that if one looks up the Registry and one will find a plan No.65 that the Crown has 93 acres of swamp land and that is another plot consisting of sixty-five acres on that same area. This is swamp land bordering and running on the North Sound and I say as an further, Mr.President and Members, to prove that no chance has been made and to prove that the Government's interest in swamp lands in the North Sound has remained consistent - my task before the cadastral survey came into being - and then, Mr.President, I am going to have to name a name, the name of Reno Ebanks. A sum of $7,000 was paid by that investment to Government for whatever interests that Government owned in the swamp land and I go on a little further. The Owner of this motion himself has paid into Government in the area between Savannah and the Airport a sum of money for Government to waive its right its vast interests that Government had in swamp land - that is recorded, Mr. President, that records us in there. It is unfair to say that Government has not made any claim to swamp land in the area and has changed any policy. No policy has been changed.

What these members come to me and put the question was over owners of dry land - part owners, half owners afterway. We deliberately limited cases - we deliberately sealed cases and the adjudicator and his assessors said according to local custom in the Cayman Islands the party on each side will share the cliff or swamp land. If Government is an owner on one side and owns if you want to go back and talk about any law no where does it say anything about dry land in this, it says land and so it looks as the meaning of land in this law "land means - it includes land covered by water". It didn't say anything about dry land. It says "land" and if the Government owns the exception then I feel like the Government has a good claim to half the swamp as well as if when the other individual had owned that, they would have that interest, then Government should have the same rights because remember, the section that was quoted by the Honourable Member about all unregistered and unoccupied - and shall be deemed to be Crown land - does not say that Crown cannot be a claimant. Surely the Crown can be a claimant the same as any other individual.

Now Government is not disputing the fact that certain individuals owned land in this area - they respect the rights of people - they respected the rights of these people there and as you look at 1969 the Government envisaged that private people owned land in that area, and they are saying today that they own land in this area. Now what has happened and which we cannot refer to cases, but I can say that that the Member didn't say that while the decision of the adjudicator gave Government 10,000 acres of swamp land he also gave private individuals 10,000 acres of swamp land.....

MR. JAMES M. RUTTY... But they had it.....

HON.W.H.CONOLLY: Yeah - they had it - half half. The policy must be false, it can't be a one-sided policy if there is not on one side and half on the other that if the Government is a claimant then Government should get half as well as if it was another individual claim.

Mr.President, as I said, we listened to quite an elaborate history lesson this morning, I must congratulate the Member for his research in this but nevertheless regardless of how people come here we know they didn't come here. I don't think today that his lesson taught him that this is not a British Colony, don't matter when the British came in or when they didn't come in, whether they came in here by boats, or whether they were also stranded or whether they ran away from

HON.W.CONOLLY (NORTHERN) took many of whether they were Caymanians born from immigrants elsewhere, the fact remains that this is a British Colony, and as I said much has been said about landownership and possession - this adjudication law says that a person, and the member was very courteous in reading it, he didn't read exactly what the wording was - in proposing the adjudication report if the person is satisfied with open and peaceful possession - now tell me by any stretch of the imagination was any individual in open possession of that swamp land as in the North West part - was not - to be truthful no one was in open possession of that land.

What the cadastral survey said that there were individuals who owned land - I don't know whether the titles will be absolute or whether they will be provisional, but whether they are provisional or not the same title that you got for the dry land you will get for your portion of the swamp land - it is a title. And what the cadastral survey has said that your dry land will start back of the swamp and and I think it is unfair and I think it is really taking the thing out of context to be saying that the Government is stealing - it is unjust - I am surprised to hear it coming from a member of the Legislative Assembly and Mr.President, there are the things that are running many investors from this country - there remarks in this very House are remarks that are going to run away investors.

When you speak of the natural rights of people - what you mean by the natural rights of the people? A person has the right and the Government respects the rights of people but it would be unfair and unwise and I say assembly would have to account if the representatives who are responsible for the people of these Islands to allow individuals to go with things that are supposed to be the Government - and when they speak of the Crown - as the adjudicator puts it in one of his judgments - when you speak of the Crown it is in trust for the people of the Cayman Islands. And surely the Member went out to draw an analogy of the Lucas Correspondence on the West Bay Beach and to show up one of his colleagues for making such a bad judgment and what not, nevertheless, I am going to say this and this is where I agree with the Member now, that if they hadn't made that foolish decision, as the Member calls it, this island might not have been developed as it is today. And one hundred pounds a year then as a capital was pretty much compared to no capital at all. Land is known then but a completely different value than what it is now today.

If the cadastral survey has been accepted and I think it has been accepted, we have a few people who criticise it, but by records show us that the majority of people in this Island accepts it. When you have been then - Out four cases of disputes going on appeal, out of five or six thousand allotments, this is something that you would almost call it, and I think it is a misstatement when the member said that people were told that this would be the end of all problems. I think I have attended meetings as much as Mr.X . When we were told this - this that there should be no more problems as far as the titles to land. This issue of the adjudication process would, once and for all times, establish the title and I don't think that up to the present time, this one is disputed. There are a few cases that are in dispute, on appeal, but when they are settled I am sure that they will abide by the decision of the Court.

One, a main point that the Mover of this motion made, and he criticised the adjudicator for his decision, on the sixty years title - merely this is a point of law and I am not here today to say that the decision of the adjudicator on that particular point was right or wrong - this is what the law says - when the law was legislated it made provisions that when there was a difference of opinion on a point of law it could be appealed to a higher tribunal to settle it. I am very perturbed,Mr.President,very perturbed about the remarks that were made by the Member and I think it was in this House on two occasions and I don't think that it should continue and the remark was that the Adjudicator should be sacked and those

HON.W.W.OSBORNE (CONTINUED): ...persons responsible should be good also - I think they were threatening remarks - I don't think they should have been allowed in the house under the heading, debate of impugning motives of the Crown. While the adjudicatorpointpartment is a quasi body I still think that the words should not have been said.

One point that was taken I must correct this - the Member feels that the adjudicatory should not do other jobs, as someone shouldn't do them - there is only one job in there that the adjudicatory should not do and that is he should not be the records officer, and unless he is himself a qualified surveyor. He should not do any surveying. I think it is quite in order for the adjudicatorand I think the decision, while the Member disagrees with it, it was a decision arrived down.

Now, Mr.President and Members, we hear we are - supposed to be law-abiding citizens - we are supposed to be that and we claim to be this and we claim to be that yet on the other hand we have Members, my own colleagues that speak differently, because in the adjudication law there is provision for a petition - there is provision for an appeal and surely if an individual is not satisfied with a particular decision the person has a complete right to take this in the steps provided in a democratic legal system, but here this Member is coming to the House asking this Legislature now to go beyond the law and to issue instructions, the very thing that he is against - the very thing that he always condemns - he is here bringing a motion to this House asking this House to overstride the law, to cut and hell the Cabinetcal system, "you must give Mr. A. to Mr. B.or Mr.C. his land". When the due process is there, the way is wide open for any body who feels agrieved. There is nothing, and I don't think anyone ever said to anyone that there would be problems. The Government anticipated that there would be disputes - disputes of all nature and I am surprised today, Mr.President.. I am very much surprised that we haven't had more disputes than we have had. I think it is speaking well of this system not to have had more than we have had.

And the Legislature, back in 1971, they were conscious of this. But you know many people are afraid- people are afraid - anybody that had been in open possession of land, anybody who has great claim to land, there shouldn't be any worry - no worry at all

I am reminded again of that person with the brilliant who shook himself nearly to death and burned it up and was afraid of his master - one dreamt here to be afraid if one is right and he felt he is unnecessary this swamp on that north east corner that is bringing this, however I am now concerned - I am almost sure that no question would have been raised in this House if all of the West Bay peninsula had come to Government. It would have been a good thing but because it is in a certain area ...

MR. JAMES M.MCKEEVER: A point of order, Mr.President. The Member is getting back to the same thing that he mentioned in the first part of his statement. I don't mind stating the land had been on the move so long as the entire the predecessors of the Cayman Islands Government I would take the same stand I am taking now. I, if I may say so, am probably the only one in this house that has ever given anything to Government and has continually offered it to them, not just one time, many a time. I will give berrys I take, Sir. I don't like to type of remark being made, I take strong objection to it, Sir.

HON.W.W.OSBORNE: I wasn't speaking at any individual, I was speaking of matters now, Mr. President, I said in a certain area..... Well, if you, I am sorry, but I am speaking of a certain time.

Mr.President. I wanna give you a judgement that was handed down last year. I am going to give you excerpts from a judgement that was handed down and another gentleman was adjudicator and I am going to read what he said. "As the Crown is the proprietor of the foreshore the swamp land between the mean water mark edge of the mangroves mounting North Sound and the Easterly edge of the swamp land bounding with the dry land of A owners is divided in accordance with the land by watercourses rather, half half." Now, just years a

HON.M.W.CONNOLLY (CONTINUING): different adjudicator handed down a similar judgment in the western-most section of this Island, and no resolution came to this House, that's what I am saying. Between here and West Bay was it was handed down on the 6th day of February, 1976....

MR. JAMES M.BODDEN: Was many.....

MISS ANNIE K.HOWARD: On a point of order, that case is now before the Appeal Court, Sir, I don't think it should be referred to.

HON.M.W.CONNOLLY: Mr.President, I didn't call any names of any case - I just said a case, Sir. I called no names - if the Member has knowledge of it try be she is a party, I am afraid I didn't say any case. I said Mr.X - I used the same phrase that was used in our Court.

What I am saying is this that it over a year ago - nearly two years, a similar judgment was handed down, but I didn't hear any resolution in this House and this is the reason why I saying a certain area is why this resolution has been brought.

MR. JAMES M.BODDEN: A point of order, again, Mr.President. How Members is still going back to the same type of argument on it, Sir, your honourable can be brought up at this time and find out if a similar position has not been taken by my colleague and myself for the past three years since the end of 1972 when we were elected in here. In fact we have had a similar motion to this submitted to this House once before, Sir,

HON.M.W.CONNOLLY: Mr.President, I will agree with the Member from 1972 he and his colleague opposed everything Government brought in here...

MR. JAMES M.BODDEN: No, no.

HON.M.W.CONNOLLY: I agree with him..

MR PRESIDENT: I don't think an inference should be drawn from the fact that no matter was brought before the House on this previous occasion.

HON.M.W.CONNOLLY: I am sorry, Mr.President. That's alright (laughter).

What I would like to assure the Honourable Member, Mr.President, and I was referring to the statement that he made concerning an officer and this is not the only officer that handed a similar judgment, right or wrong. I am not saying whether the judgment was right or wrong, I am only saying that I felt that the words were abusive and should not have been used.

Mr.President, the Member spoke of this directive and I think I should clarify one thing, when he saw what the directive was . I think he agreed with it because in other areas where we have small bits of swamp, which it was easy. there were only two people objecting, it was easy to get, I think, butt and bound, and it was easy to put in split to one, but when you came to a large area of swamp, like on that North East area what the leader of the team told his demarcator was he put out a notice to the public and said words to this effect, if people are coming from south and people are coming from east and people are coming from the south, they are bound to cut and across one another. Those people who own dry land came to the edge of the swamp and then we will partition this out according to what your holding is on the dry land. Which I think was only fair, which I think was only reasonable.

The Member spoke again about the Mosquito Research Control - surely know it is a law here which says and make people to cut their boundaries in the swamp, because Government maintains that the owners of dry land can get off the swamp. They are not denying that fact.

HON.W.M.CORNEILY: [CONTINUED] But to go a little further, the Mosquito Research Control Law has not had any application, as far as this Eastern part of the world is concerned. It only applies to the Western end. So I don't think that that is relevant to the argument at all.

What is being proposed to the public is that the Government has stepped in and has grabbed up people's land, and I would like to say here emphatically that that is not the case. There is here, good land today, dry, solid land inside this building here that has been reclaimed - there have been decades and decades of spoilage West Bay and in George Town and any number of there will be seen in the olden days that are unclaimed that were reclaimed at the time in the name of the Crown. People, for some reason or other, forgot to make their claim or didn't claim or something - what has happened? Government has given them, has certified the register when they came up - decades and decades of late. This thing about the Government trying to grab land is a false statement. I would say in the other way that all of a sudden, since people heard about this that there were a lot of claimants who jumped in to grab this swamp land.

I think in how we and the Government is satisfied to accept and acknowledge that the adjoining landowners own half of the sound and in that area that is the bone of contention in this - this is the bone of contention- people claim have got thousands of acres or swamp - thousands of acres of swamp. To my knowledge, what I have seen that has been done there half of the swamp has gone to people, to humanity as people. - This argument about some old lady had it for her special security or has something else, no old lady knows that she had any swamp land up in there for any social security. I think today people out of this cadastral survey are going to get a lot more land that they thought they had - that they knew they had.

Mr.President, I believe now I can safely say and I can give this assurance that the policy in dealing with swamp land has not changed. The Government's claim has been the same. I can further go on and say that personally this Legislature does would have brought a greater connection because it is a larger area of swamp - it is one of the largest areas of swamp in the Cayman Islands - it is the largest area of swamp in the Cayman Islands and surely it would be subject to some objection but can the Member say that if the Government was this land, why the Government shouldn't get it in because they would come round and lease it not for a hundred dollars a year or hundred pounds a year. I don't think that that is any reason why the Government should not claim this land. I believe the claim is substantial - I don't think that the Government is doing anybody any injustice. I know there were some people against the adjudication process - I know that - some people had lands that probably would be in dispute but on an overall way it was considered by the British Government that this was the easiest way to handle the number of disputes that would arise Cayman and I believe that it is true to say, because if we are going back to some of the documents that people claim they have, some of those old documents could not be admissible in Court, as if it was not for the adjudication process those very documents that people can existing land on today could not even go as the legal evidence, as a documentary evidence, because a document has to have certain things before it can be admissible. I am not delving into this because I don't profess to be any lawyer, but I do rest today, what I have seen of all types of claims under the cadastral survey that I believe that this is the best system that could have been adopted for this Island.

Situation is such the East part of the Cayman Islands is being adjudicated now, the western end of Grand Cayman - the midland portion of Grand Cayman is about complete - Cayman Brac and Little Cayman are complete - there is only the section after the list of this month it is anticipated that it would only be the section east of Bow Creek would need that is left, and here, while the Member

HON.M.M.MCSHIELDS (CONTINUING) is saying that we want the same situation to exist, we want the same policy to be carried out in the west as it was in the west, the suggestion is made to change the law. Why? If you are genuine, if you are honest that you want the same system to pertain in West End as it was in West Bay then you would want the same law - you would want the same regulation. Why are you asking it to change? And I suggest, Mr.President, that this motion should be thrown out. I feel like the eastern section of this Island, as this motion says, is the western section which is west of the Frank Sound road. It has just been, and I go further to say , Mr.President, that in the eastern section of this Island there is no swamp land abounding on the sea. The Crown would have no claim to any land whatsoever bounding on the sea, because east of Frank Sound road there is no sweep running to the sea, so I feel like regardless of how sentimental or otherwise the Members feels, I feel that this particular resolution doesn't hold water at this particular time and I would ask Members to disregard it.

A few days ago when I was debating the Budget Speech we went into a lot of discussion on this particular matter and there was reference to some black book and some map inside the black book.Well, unfortunately, Mr.President, since the cause for this motion is probably caused for appeals or what-not, which it would have been sub judice, I am restrained from producing a map and if you would see how it coincides with what the Government, what the cadastral survey has worked out you would find that in 1961 the Government believed and was sure that they had interests in land up there. The Member tried to say that the Government didn't own all the land - that's true - the minutes are quite clear. The minutes say that the Government acknowledges that private people had land in that area, but the exact amount that Government would own would have to be ascertained after the surveyors go in and survey it. And surely the investor would have to get permission to go through the people land the dry land over there - that's sure - because Government's land was butting and bounding on the same, but there is no doubt in anyone's mind that in 1961 that the Crown owned land, swamp land and they then agreed to sell some 3,000 acres out of this to a company. Now the Crown, or the Government or who you want to say didn't sell that land - they haven't given it away and I am saying , Mr.President and Honourable Members, that that swamp land is not up there and it is still the property of the Cayman Islands Government.Thank you, Mr.President.

HON.JOHN D. JEFFERSON: Mr.President, Honourable Members. I rise to speak to the motion before/and I would certainly like to read the motion so as to take a few observations.

> Whereas people in the Eastern Districts of the Islands have become dissatisfied with the manner in which so called swamp lands have been dedicated and given to the Crown by the cadastral system
> BE IT RESOLVED that the eastern portion of the land that swamp lands be treated as in other areas already demarcated and given to the lawful owners and Government refrain from claiming same
> BE IT FURTHER RESOLVED that the same system be adopted as in other areas and instructions be given to the cadastral team and if necessary the law changed to incorporate these instructions that Government only claim what by common law is considered the high water mark.

Mr.President, let me first say this that I personally want to say that I am dispossed with a motion of this nature this House asking what it truly is asking today.

I have always been consistent and I will continue to be in the land adjudication exercise and I am sure that the rest necessary for me to remind anybody that when this system was first brought before us, this Legislative Assembly, that I personally made a motion that at least two or three members of this House be sent to the Territory of the Turks and Caicos Islands so as to be able to see the system work before we finally committed ourselves to it.

MR. JOHN B. JAMESON (CONTINUED) Now, Mr.President, in listening to all that has been said here today I personally wonder whether or not we need all of this mystery at all. I feel that we have a lot said about the people's inherent right (and that's what I am here to protect) that I, in no way, would want to safely consider any change in the law that has worked for all the rest of the Island.

I want to say this that as far as I am concerned, I have never dealt with one piece of personal legislation in this House and I hope that I never do in the rest of my life here. I believe that a law, once it is made, I believe it should be fair for everybody. I said I would not want to see a law that has worked in my district and some other districts be exchanged while it is being applied in another district, because certainly it would not be fair to either one of those. And I believe that, as far as I am concerned the cadastral system has worked and has worked well. I believe in my district there were something like either five thousand or over five thousand claims and I believe there were twenty-six appeals or grievances filed and I believe that when we look back and realize the amount of litigation that has been brought before the courts because of land disputes, and Mr.President, let's not minimize that, let's not think that people can forget in the past the number of poor people whose lands were claimed and many times they went to court after having what they had to get themselves a lawyer and in a lot of cases the opposing people had a better lawyer than they had and they lost their land and the money that they had worked so hard to pay their lawyer with.

Now let's not misunderstand the issue - let's realize that no responsible Government could sit by and tolerably see people being fleeced and has an ignore the need to do something about establishing the titles of land in these Islands. I believe that is exactly what this Government set out to do. I have my reservations cast on the head of State at that present time and let me make one thing unmistakably clear and that is that when any man will risk his position to do anything that will benefit the race, I take my hat off to that individual and feel truly that that man has the good-will of this country at heart.

And I believe if we were to go back in the records we'd find that Luther Scott Pericles who left this Island he became the first Governor of the Cayman Islands. I think that was an honour bestowed on a man who sought to do something about the need of the people as he saw them.

Mr.President, when we look around and hear all the allegations and all the things that have been said and all the attitudes exhibited in this Chamber that is no reason when we go outside we find so many frustrations fighting a cause.

I believe that we have one first job here in this Chamber and that is to fully represent our constituents - our Islands. I believe that is the first obligation we have,besides God, and I, with God's help, want to be honest and want to be truthful and want to fulfill that solemn duty. Mr.President, I feel that when Members in this Chamber reflect personal things it degrades our legislature.

MR.JAMES M.BODDEN: On a point of order, Mr.President, this is twice this man has made this remark and he is impugning a Member. I think I have made my point very clear on this thing and if I haven't, Sir, I promise you when I get up next I will be making it clear, and I am going to bet your ruling,Sir, that this speaker, as well as any that comes after him, with this remark, retract from this. I have not risen to them, please don't do it to me. I, if I say it, am the only Member in this House that has ever given Government support and have offered it to them. I don't believe in talking about those things but when I get to my feet next I will.

MR.SPEAKER: Is the Member prepared to withdraw?

MR. JOHN D. CHRISTOPHER: Mr.President, I want to be fair in every way and yet I want to be truthful.

I am saying, Mr.President, that as far as I am concerned, this motion looks to me cringe when I could not, at any time, support, regardless of who brought it, I could not feel that I could sit here and like the late Sir Winston Churchill once said when he spoke he would not/and preside over the dissolution of Her Majesty's Empire I too, wouldn't stand here and agree to giving the people's inherent rights by anybody, and what land or lands are held in trust by the Government of the Cayman Islands are held in trust for the people of the Cayman Islands.

When we say Government sub-div. land claiming the land, and I have said this many years ago, that when the law was made, as far as I am concerned, that the only person who was placed at a disadvantage was Government. They were the ones that were placed at a disadvantage. All unlicensed or all unoccupied land, Mr.President, We wouldn't have to go very far back in our history to find out that as far as swamp lands are concerned, not too many years ago: when one wouldn't have to ask permission to use it, in any way and I am not agreeing to any law being changed to suit any manner of this island, what is good for one will be good for all and I say what is good for the people of West Bay is good for the people of the Cayman Islands and I feel that we, as legislators here, not only we as legislators in our own district, but we are legislators representing the islands as a whole and as far as I am concerned, I never now nor any other time, will agree to anything less than what I feel are the rights of the people.

I heard a lot said here this morning about the Crown and for over two hundred years they have left us and they have/kept their state, I am glad I don't feel that way about the Crown I am glad that I feel that we have the best system of Government in the world and it works - Government of the people, for the people and by the people.

When I have people in this territory agitating against the Crown .....

MR.PRESIDENT: I don't think that has been said in this debate.

MR. JOHN D. JEFFERSON: I submit, Mr.President. I feel that I have always and I always want to be loyal to my own flag.

A statement was made that only one country ever has done more than this was the Evacuation country, where hundreds of thousands of people were mowed down with machine guns and tanks run over them - I think that's an awful statement to make in a peace-loving, law-enforcing country such as ours and I deplore that statement, Mr.President, and I will never call the interests of these Islands to anybody anytime anywhere. This Assembly followed the Second Member, Official Member as close to the allegation that a statement to make! If all the Americans in the world that had followed their leaders had done as well as we had, there would've be so many mishaps and many sad stories told around the world.

and I am saying that the Caucasian survey will never be given any directive as far as I am concerned in this Legislative to the express of the people of the Cayman Islands.

We were told that Government has gotten several thousand acres of swamp lands in the North Sound near the West Bay area. Mr.President I am happy to hear that. I don't think the direct was given are directives to take lands from anybody, but I believe the thing that we must never lose sight of and that is that we must not give away the people's land to anybody, any private owner regardless of who they are.

One further point as to many things wrong in this Chamber, and I believe that if we agreed to this motion this will be one of the things that we would be doing wrong.

MR. ICHI JEFFERSON (CONTINUED) I am very distressed, Mr.President, to be uncertain where with the ... case that I was exhibited here, and the majority of the problems that we are having in this House are personal problems and they shouldn't be here.

Statement - Let's give the people back what belongs", so, I say let's see that the people hold on to what's theirs.

Many years ago the Government leased a piece of land in the West Bay Beach which was the beginning of getting the foundation for the tourist industry in this Island, a measly sum of one hundred pounds, I believe, was set - that, to us, should be a tribute I believe at that stage. I am not saying that those should be done and there will not come a day when we must re-assess those whole things all those things, but I am saying we should look back as a land mark. When Owen Roberts made a great change the days when I was going to school, Mr.President. I didn't have shoes, my Dad couldn't afford to buy me two pairs of shoes, but I bet my son wears out at least 3 or 4 pairs of shoes a year, and I am not bragging about that, I am complaining. But I am saying that it is time we realize that we are not as bad off as people like to say. I know it is getting expensive electric bill - I know there is a great movement on to force this country closer to an election than it should be. There are people on the outside who are saying this is the opportune time to bring down Government and let's have an election. We are dealing with collateral survey and I am saying that what is sauce for the goose is good for the gander - what has worked in the West Bay and George Town and every other district will have to work in the rest of the Island, as far as I am concerned, because I think the system is good. I think the system is fair. I think the system for the first time in these Islands, gives us what we never had before - silver birch, about title to the lands.

I feel, Mr.President, and I hope that in the future all the motions and legislation that we deal within the future go to something that benefits the Islands as a whole. It could never, and never will, give the people's inherent right or equality.

MISS AMBER E.BODDEN: Mr.President, I will venture to be my last word that if any one of those twelve legislators, including myself, if somebody wanted to take their land that they feel is rightfully belonging to them they will go to their back to defend. What I am saying, from personal experience, although I am a weak woman I do say, this, Sir, that the economy in the Cayman Islands, now Government I am referring to individuals is to grab all the land they can get and there's only one human being in this Island of Grand Cayman that I would put my hand on the charging block won't try to get land that does not belong to him and that is the Hon. George Hicks,he never made any attempt to get any land in his days and I am sure he doesn't want it now.

Now, I know that people will get land.

Mr.President,when my mother had a piece of land and had a document from it from 1800 with a map attached, We were told, Sir, that it was fenced unjustly by my father, but as years went on that fence went to ruins. We had a next-door neighbour trying to fence our land. It took every human being in the Government to get down Whitehall to see that we got our rights. The shocking news, the daughter was married to a high official in Government, we came there, all the magistrates, Police Police, everything that could assemble to take that land from us, Mr. I know people will take land. Anyway, I stood up for my rights and we eventually got the land. Sometime later on, When my sister was very ill near death, I was having to fence it the same people went and brought down the Chief of Police, the then Commissioner of the Cayman Islands and they took the whole day to lie up my human rights, I got so annoyed I said 'Look here, Major Watler," I won't tell you the names of the other crowd, "if you pull up another one of my fence posts while you see that crowbar there, I will kill you dead as a nit with it", and I meant it. So that boils up your blood.

HON. ARNOLD H.FORBES (CONTRIBUTED) What has caused all the woes in the world? Was it the invention of Egypt and the First World War, I don't know whom that was exactly, I was too young then and too old now to remember, but land is something that will build up your friend.

Now I am not saying one thing against Government. I am the only being in the Cayman Islands that this Land Adjudication will cost any money. I was not against the Law after it was forced down, I was against having only one adjudicator. I said let there be two in addition to this one on the Law, that would be three and the majority rule. Of course, Mr.President, because I tried to state forward my views (not personal views), I was shunned, I had to go to the Court House. I suffered five days in the witness box. I was cross-told about my witness - I was abused. Papers went there to Crewe the enemy to me so that I could collapse, so I can't understand today, Mr.President, why there is so much comment and talk with every human being wants their rights.

Now, Mr.President, we hear so much about people giving away land. I don't know if the Honourable Member from Bodden Town gave away any, but if he did he is the only one. If you look at the Lighthouse Law, Cap.96, you will see in that that a stipulation, section 4. "It shall be lawful for the Administrator to enter upon lands known as Castle Bluff, Rock End, Grand Cayman and to take possession of so much as shall comprise an area of thirty square yards". They couldn't take that without the payment of money - they paid for it.

Now, Mr.President, I am not going to say that I am going to support this resolution in full. Because I know it is a waste of time, this last section " Be it Further Resolved that the same system be adopted as in other special instruction be given to the Collectoral Roll and if necessary this is the part I know won't work, the Law should be changed ".

Mr.President, I brought here some time ago a resolution to try and end this swamp land fetish and of course it was lost, but now I have a case. I've lost the appeal on that very ground. The Judge says I don't know what the local custom is - your Lordship may might know it but I don't know it, I don't know if I should appeal or not. That lands which belong to my client were given away to other people and I do not think it was right. I feel Sir, that we have this law, which I must tell you very candidly we sat for weeks in the Chamber up there trying to get local custom derived, and I am sure I was one of the three who didn't sign the report because I did not agree with it. I felt we should make the law emphatically clear, knowing how people go about land, how they will take land that do not belong to them and I felt we should make no mistake put everything quite clear.

Now, Mr.President, I am an opponent of Government I fight the cause of Government, if they had land in my yard and I was aware of the fact it belonged to Government I would say take the land. But I cannot agree that we should change the system when we get to this section as mislaid or whatever part of the Island it is. I have two acres of land in Newlands, adjoining the North Sound I would say it is on the South coast.The mosquito dyke road is not enough it sir. I have absolute title for that land - no question about swamp or anything, right next door to it is swamp, but I have an absolute title for that and I feel, Mr.President, that we who haven't got any complaint, we can sit back very quietly and say it doesn't affect me, but it affects everybody, and we as legislators are not here to pursue any personal gains, at least I know I do not. I have never gotten anything out of being in the Assembly except three free law books, except the pleasure I have got by serving the people of the Cayman Islands and I am going to continue to do that, the last keeping as long as my health and strength.

Now, Mr.President, I feel that if those people in the Western district can present proper documents that they should have their just reward. I know that I have seen documents that would clearly give title to people of the sea. I am going to quote one, the Estate of Vesta Dickson - I have seen that document. I have not

MISS ANNIE H.BODDEN (Interjecting) Does these other Councillors in question. But I do not think that anybody would be so fooocy, if I may use the word, as to take a Crown Counsel into the Parliamentary Library and say I can do this man, if they do not. I don't think there is a human being in the Cayman Islands that is a real true born Caymanian that would do this. While I know they love to get land if they can for nothing, they wouldn't really pervert their mind to that extent.

We'll never get this law through. It means that how give work to some here and say this law is wrong. It would seem as it is and I feel, Mr.President, in all fairness to these people who have lost them to, (if or whatever it is miles or land, or square feet or whatever it is, that the matter should again be gone into and if they can prove that this land has been in their possession according to this law, occupying the very land, given possession to the owner, they should get it.

Now I was up the collateral points some few weeks ago and I must tell you the truth, Mr.President, my blood boiled up when I heard some people talking to Honourable Justices of the Peace and men of influence, men who were pursuing their claim about this said land. They were talked to as if they were children. Now they can't be got that kind of talked to you, or they would have walked out - I couldn't take it, Sir, I left. I feel, Mr.President, we should not deprive the Government of any land which they rightfully have a claim to. I am not advocating taking any land from Government, I cannot agree with the Honourable Man from Bodden Town who said that when we gave away the land on the seven mile beach we made such a mistake - we did not make a mistake - that was the foundation laid for the prosperity which we enjoy today and while I will say that the contract of the lease could not have been properly drafted, because there must have been a lot of loop-holes in it that the Government would not get any come-back, nevertheless, it laid the foundation of what we enjoy today, financially. I wouldn't say spiritually, because it certainly hasn't advanced us spiritually, but it laid the foundation of getting money in the Cayman Islands.

Now reference was made to a piece in the Guinea Town area. Now I am saying, Mr.President, that that was most unfair because the missionary man who has not even got a title to his land. He got clear to the sea. The land which he claimed land which was given to him bilateral by people who owned it for generals of years and I don't think it is right, but of course, it comes to me, Mr.President, that might sometimes overcome right.

I am not going to advocate anything about changing the law, because I know that is futile. What I feel, Mr.President is this, that if these people in the eastern or the midland area, whatever it is have legitimate claims to this swamp land, they should have it. Now I understand that the North Sound Estates, they have had a clear swamp, everything, and the man who owned land next door, his swamp land has been taken. Now how could that be right? It is not right. I feel that if they're going to take the swamp land from one take it from all, and right from next boy, but if I have an absolute title for my land, and I am not a fair-minded person, I would say let Con Brown's go to the Government, go to anybody, and that is not the right spirit.

In this Assembly, Sir, we have not have to advocate for any coming election in 1976 - the Almighty might have blown His trumpet and taken us all to glory, before that, but we may do is to study our personal position, and what is going to happen in 1976. If come back here as a representative of the people, I shall be very happy about it, and I shall continue to do what I believe is right, but it wouldn't take one person off of me, because I would consider that the people do not know what is best for themselves.

Now, Mr.President, I feel, Sir, that we could settle this matter quite quickly but people have rights and the thing that boils my people's blood is this thing you call land or territory I had a case at East End several years ago and the Crown or Government if you want to call it, won the land, 1671 feet I believe it was - no 1. the ruling was there's no such a thing as No man's land - it belongs

HON. JOHN C. CROSBIE (CONTINUED): to somebody and the Crown, in this instance, got the land. Well I am not saying, Mr.President. But I was happy about it, because the payor of it had a receipt for ten shillings for this vast amount of land, but nevertheless, she, in my opinion, earned the land, and our Honourable Barrister from Placentia West the case for Government on a History book, while the other barrister, who I consider a much better man, lost the case and up to now, up to this present date, the owner is still coming to my "What am I gonna do?" I say "You have to accept the ruling of the Court". Well, she is not satisfied.

I have another case, some Crown land in the same Eastern District where, according to my honest belief, Government should have some of that land. But I cannot conscientiously say they own all of it, nevertheless, the onus is against a man and I am sure he will look it, Mr.President, what I am trying to say, Sir, is that I am very confident there is not one person in this chamber today who, on their sound, sane senses will want to do anything to destroy this Government. We should be proud that we have such a Government, but I would like it clearly understood it didn't happen just because Annie Bodden is in the Assembly or any other one here today, Sir. The foundations of what we enjoy today were laid by the great forefathers and I feel that all this stupid expression about personality - it should be done away with. We are here to fight the cause of the people and that is what I intend to do.

Mr.President, I feel confident that this matter should be looked into very carefully. After all, the people in the Eastern District the only little bank account they had was a piece of land. Various Governments were not that sensible, perhaps, they were to say, but those people in the Western district they put their all into land and I feel, Mr.President, that at this stage, regardless of the value or anything else, they should not be deprived of that right and I hope, Mr.President, in your able way of making peace or troubled waters, that you will intervene in this matter and see that justice is administered.That's you, Sir.

MR. JOHN C. CROSBIE: Mr.President, I would like to move an adjournment at this time.

MR.PRESIDENT: Is there a seconder for the motion?

MR. JAMES M.PECKFORD: Mr.President, I think it is still early, as far as I am concerned, I'd like to go on.

HON. CHARLIE M.PETTEN: Mr.President, I promised myself I would be here until one o'clock, but I see the necessity of staying so I will stay with it until one o'clock tomorrow, but I feel that we could go on, say, half an hour or so longer.

HON. A.B.BUSH: Mr.President, honourable Members, I'll try not to be so very long on what I have to say on this particular motion. We see in the very first part of the motion, the very first Whereas portion of it that the people are dissatisfied -- I have no doubt that this is so and we see, again, in the first Resolve portion that it is saying that the swamp land be treated as in other areas already de-reserved. I believe this is so, I believe it is being treated in the same way. There is only one difference, as I can determine between what has already been done and what is to be done now and that is that there was dry land on both sides of a swamp, half of which swamp was given to the owners adjoining the swamp, the owners of dry land adjoining the swamp. This time we have a little different position or situation in which the sea now is on one side and the dry land on the other. The sea, as I think we all realize, must belong to the Government, by the Crown - surely no one owns that and in this particular area which we say in the Midland and Eastern area, I think it has been pointed out by the Minister already responsible for Lands that there is no swamp on the eastern part of this Island to the sea, but I think on the Midland area there is a lot of swamp which joins on to the sea.

MR.T.R.SMITH (CORRIENTON) Surely we must concede that this, if it belongs to anyone, should be belonging to the Crown. I am sure that no one here, no one outside, would want to see any one owning all the foreshore of the Great Sound area, where there is nothing but mangroves but deep water running well inland.

Now, as I understand, what has already been done in these particular cases is that those owning the dry land have already been given half of what is considered the swamp area and so I don't see how anything could be any clearer than what has already been done. To give to the owner of the dry land half of his portion which has been established by local custom, half of the swamp, but, surely the other half, which is water from the ocean, from the sea, going well inland, which is also water, could be belonging, in my estimation, to no one else but the Crown. As I said I don't see how anyone could expect - what kind of a Government would anyone want to give the foreshore of mangrove bush, red mangrove bush with water running well inland, away to any one individual. One could understand it if there were patches of dry land in between the sea and swamp, but as I understand it, there is swamp that runs right up until it hits the dry land and, as I said, that has been divided and given half to the owner of the dry land the other half to the Crown, this to my mind is fair enough, I don't see how any one can ask for anything more reasonable than that.

Then the very last part of this motion, the last legislative position says that instruction be given to the cadastral survey, now I am sure that members will realize that this Legislature, and no one else, could give instruction to the cadastral survey and it does not be supposed that the law be changed. I must say I am against attempting, which I know would be wrong, to give instruction to the cadastral survey and I certainly wouldn't want to change the law as this stage when most of the Island has already been adjudicated on, because surely then you would get criticism that one section of this Island, one part of this Island would be adjudicated on under one law while another was under another law, so this to my mind is completely out, as far as I am concerned, and I really don't support the motion. But I think, as I have said what has already been done is fair enough and if there was dry land out on the edge of the mangrove bush I think there might be a case for something and I feel that we should leave this alone, but the law as processed the same way as these claims be processed in the same way as other claims have been processed, then the last appliance of the decision of the cadastral survey team, surely there is recourse to the courts, and this should be done as has been the case in other claims for other people.

I have never heard of anyone claiming, but until now any of the areas which I understand are being claimed today, I remember as a youngster how my father having had boats and in these particular areas we went, as well as other shipmasters at that time, to have the bottom of those boats cleaned, and as far as I know this was always considered Government property. It was on the edge of the mangroves, no dry land whatever - the only dry land we had was the ballast we took out of the boat and put on the edge of this mangrove until such time as we could put it back. So laws were collected from anyone and I am sure that if it had been claimed by anyone in those days, surely they would have objected the law for such a job that was taking place there, and so, Mr.President, and Honourable members to cut my discussion on this very short, because I know that enough has been said on it, and I would say to Members just one be reasonable . Let us look at this thing as one man, which is really owned by the Government, by the Crown, where the owner of land on this side of the swamp and it has been dealt with so far as I understand that the owner of the dry land on the other side has already been given half of the swamp and if there is any claim from Crown who claim more than their share of what has been given to them, then the law should be followed and taken through and recourse to the courts whatever may be determined. Thank you, Mr.President.

H.E. U. BALDEH-SEIDEL: Mr.President, would this be a convenient time to adjourn?

HON'BLE SPEAKER: I thought they said they would go on for a half hour more. Well, close the debate.

MR. PRESIDENT: If you or Members' Pleasure, I am prepared to go on or adjourn as Members wish, it is certain it will go on tomorrow morning.

HON'BLE MINISTER: Mr.President, we have another motion coming up so we will not be able to get through this afternoon. I will move that we adjourn until tomorrow morning.

HON'BLE MINISTER: Second.

QUESTION PUT AND AGREED TO

MR. PRESIDENT: The Assembly stands adjourned until 10 a.m. tomorrow morning.

ADJOURNMENT

AT 5.12 P.M. THE HOUSE ADJOURNED UNTIL FORENOON TEN O'CLOCK ON MONDAY, 17TH AT 10 A.M.

M I N U T E S

[illegible], 17th December, 1975

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, [illegible] CBE., - PRESIDENT

GOVERNMENT MEMBERS:

HON. [illegible], C.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. G.R. [illegible], Q.C.	SECOND OFFICIAL MEMBER
[illegible]	THIRD OFFICIAL MEMBER
HON. [illegible]	SECOND ELECTORAL DISTRICT, GEORGE TOWN (MEMBER FOR WORKS, COMMUNICATIONS AND PUBLIC TRANSPORT)
HON. [illegible]	THIRD ELECTORAL DISTRICT, WEST [illegible] (MEMBER FOR CO-ORDINATION AND ENVIRONMENT)
HON. [illegible]	FIRST ELECTORAL DISTRICT, WEST END (MEMBER FOR HOUSING AND SOCIAL SERVICES, HEALTH, LABOUR)
HON. [illegible]	SIXTH ELECTORAL DISTRICT, EAST END (MEMBER FOR TOURISM, LANDS AND SURVEY, AGRICULTURE, FORESTRY, MARINE SERVICES)

ELECTED MEMBERS:

MR. T. M. [illegible]	FIRST ELECTORAL DISTRICT, WEST END
MR. JOHN D. JACKSON	FIRST ELECTORAL DISTRICT, WEST END
MISS ANNIE M. BODDEN	SECOND ELECTORAL DISTRICT, GEORGE TOWN
MR. JAMES M. [illegible]	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. [illegible]	FOURTH ELECTORAL DISTRICT, BODDEN TOWN
MR. [illegible]	FIFTH ELECTORAL DISTRICT, NORTH SIDE

ORDERS OF THE DAY

FRIDAY, 12TH DECEMBER, 1975

1. PRIVATE MEMBERS' MOTION:

(a) MOVED BY JAMES M. JACKSON

SECONDED BY Mr. G. Mark Jackson - CANADIAN SYSTEM

CONTINUATION OF DEBATE

(b) To be moved by Mr. G. Mark Robson - CONSTITUENCY OF NORWICK TOWN

To be seconded by Mr. James K. Robson - CONSTITUENCY OF NORWICK TOWN

WHEREAS THE REPLY GIVEN ON THE 4TH DECEMBER, 1975 TO THE QUESTION CONCERNING CANADIAN ATHLETES LIMITED WAS NOT SPECIFIC

BE IT RESOLVED THAT LABOUR REGARDING DAMAGE TO PROPERTY OF ALLEGED ON THE REPLY TO THE QUESTION.

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FRIDAY, 12th December, 1975

10 a.m.

ADJOURNMENT: Planned Development, Prosecutions Act removal.

PRIVATE MEMBER'S MOTION: CONVEYANCING SYSTEM (CONTINUED).

MR.C.WALKER NORTON: Mr.President, Honourable Members, many words have been spoken in favour of this motion; nothing has been against it, so far. I therefore promise to keep my debate to about half hour since we have another motion that could well take us into Monday.

This motion has been brought in the interests of fair play. The golden rule could well be applied to it - do unto others as we would that they should do unto you, or in short as we have done unto the Western District.

It is fair to say that the Western District was prejudiced in a big P decree. Seeing not what is being done in the Midland District and in the eastern districts leaves much to be desired.

The adjudication is far below the standard set by the adjudication law - it is far below the standard set by the legislature who passed that law in 1971. Now I know that the Memorandum of Objects and Reasons is really not a part of the law once the bill goes into law the Memorandum of Objects and Reasons doesn't mean much, but it does set out what the law intends to do, the reasons for it and it is a useful instrument in the prosecution of a bill. I would like to quote just two paragraphs from the Memorandum of this bill, the first one is -

> proof of uninterrupted possession for 12 years or more as production of documents more than 12 years old establishing ownership of land in fee simple will entitle a person to be registered as the owner of the land with an absolute title.

that is what the Memorandum says will be put in the law, and that was put in the law , and that is enshrined in the law, and yet we have an adjudication hearing or an adjudication court which is not accepting documents that are more than 60 years old when it is put in this law that the production of documents more than 12 years old establishing ownership of land in fee simple will entitle a person to be registered as the owner of the land with an absolute title.

Also this paragraph says that proof of uninterrupted possession for more than 12 years is sufficient to establish absolute title. We have people who have owned land for far more than 12 years and claiming that 12 year period they were never interfered with by Government, they were never told that the land was lost there, yet we come to a situation where after long occupation, and also holding documentary title the land is given to Government.

But a more significant paragraph is the ultimate paragraph of this Memorandum - The law incorporates provisions by which the requirements to enable persons to establish claims over Native Land law may be relaxed. What is the Memorandum on this law - it says that provisions are in it and I can tell you that provisions are in this law, as to relax the requirement of claims even where Government owned the land, and furthermore, in the law it goes on to state that even where the land has been ceded in favour of Government that if a person can show possession or can show documentary title that the records could be changed in favour of the claimant.

Now to show that what was put in the Memorandum was not put there merely to push the bill and to fool people.I'll show you the sections of the law that put into law what the Memorandum said, would have been put in this law, Section 10, dealing with the principles of adjudication, (2) "has a good documentary title to the land and that no other person has acquired a title thereto under any

Adjudication Agency (Consequential) law relating to prescription of limitation and that he would succeed in maintaining or defending such possession or title against any other person claiming the land or any part thereof. The Gazette officer shall record that (1) of the same section 16 it says, "In preparing the adjudication records, if the Gazette officer is satisfied that the 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, the records officer shall record that parcel as the owner of the parcel and declare his title to be absolute".

This is not being done. Many instances the people know that this is not being done. And that has been in the possession of certain families for three hundred years in uninterrupted possession for three hundred years is now being taken away.

One member took objection to the words that the land will being taken from the owners, if they don't want to use the word "taken" they can use a nicer word, they can say it is being adjudicated away from them, it does want to say that but the plain fact meaning that the people who owned the land no longer own it and if you do all absolving you can search the dictionary and you will come up with a hundred other words that could be used - it could be "highway robbery", it could be "adjudication", it could be "simply swooped against them" - you can use any terminology you want but a case by any name smells the same.

We have people that are supposed to have legal knowledge talk nonsense about all land is crown land - no such thing exists. It did exist during the feudal system in the middle ages in England, all lands belonged to the King, but the feudal system is passed away, long time ago and at that time it was held that anybody who owned land only owned it as a tenant, just like living in a rented house, the land was the King's and that was up but with the doing away with the feudal system what happened was that people began to get title for their land and sort of them acquired such an ample title that in effect the land was absolutely theirs and throughout the British Commonwealth that fact is recognised, that a person can have a free-hold title, which is an absolute title and it can be so unlimited and so ample that the Crown cannot any it owns the land.

As recognised this is not case - the Police cannot enter a man's house without a search warrant - it can't. It was said that the Queen owns the land and all the property on the land. We don't say that the King or the Queen has absolute title to the land and all land is Crown land and the King can enter - nobody can enter with exception of a very few such cases, but they can't walk in as they like and so the Queen does not own land anymore - that passed away with the feudal system.

This is a matter of history, but we trying to bring back the feudal system which was a disgrace or hypocrisy the way the feudal barons oppressed the serfs who worked the land and lived on it as tenants. And this is all nonsense the people that are supposed to be schooled in the law to be trying to rest the non-informed about the Crown owns all land. Crown doesn't own all land - the Crown owns are Crown land, but where individuals have acquired land over a number of years that person has absolute free-hold title to the land and so the argument is hollow that all land is Crown land and therefore Government is entitled to it.

This Law makes provision that where you hold good documentary title for 12 years or where you have been in possession for 12 years you can be declared as the absolute owner; what must the adjudication do when it comes up against such documents and such long possession, and thanks to diverse those documents. To say that a document made 80 years ago is out-of-date is it. Ridiculous and this is the type of judgements that are being handed down. It is utter nonsense. I am happy that the adjudication system is not a court of law because it would be the ultimate oppression by this Government if that were a court of law.

Mr. [illegible] (Government): I am proud that our courts are becoming reputable and that we have in this country judges that uphold the law and that when appeals come up from the Tribunals the judges say "We can't deal with this matter because you have never defined local custom". But local custom is being used in this adjudication system. But it is the local custom that some people have just made up - it is not the local custom that prevailed over the last three hundred years. The local custom that our people know, with the division of land, was that if a swamp or cliff or button [illegible] whatever it was, was between adjoining dry land owners, the owners of the dry land would own one half of the swamp or cliff, if there were only two owners. If there were more owners it would be split proportionately but that is not being used anymore. What is being used is that if you owned the sea or the public road it gives you title to half of the swamp and half of the cliff, that is not at all the custom. The custom was that dry land gave you title to part of the swamp, but land itself didn't give you - in other words it can be argued that land covered with water is still land and the foreshore and the high water mark is land except to a certain extent by water, and they have twisted out local custom, they have made a mockery of it to suit themselves.

Local custom was not defined in the law and it is a pity and it is a further shame on this House that when the Lady Member brought an amendment to have it defined that it was not done. This Assembly fourteen years ago, 1961 imposed the fact that the local custom in these Islands was that if you owned the dry land you would own half the swamp, but if you owned the "wet land" you would not belong.

A Member of this Assembly said - September 1991 and I am quoting from the minutes of this Assembly - a member said - that member was Dr. Roy McTaggart - he said - [sic] I am using the actual words, "that in actual practice ownership of dry land gave ownership of half the swamp". Ownership of dry land gave ownership of half the swamp but that declaration was accepted by this Assembly. That declaration was accepted. But it is not understood any longer, because he said were "ownership of dry land" entitled you. But it was not local custom that ownership of the sea or ownership of the foreshore, or ownership of the high water mark would entitle Government or any other person to a part of the swamp. I am safe in saying that this declaration early in September, 1991 was accepted because no other Member questioned it - no other Member contradicted it. And the Administration himself confirmed it - he was the next speaker and he said that there would be no claims to individual ownership of tidal lands. In any cases of dispute the courts would decide.

And sitting in this Chamber are Members who were present at that 1961 meeting. Our local custom was and is except when decided by this Tribunal that ownership of dry land will give you a right to a part of the swamp, but ownership of land alone does not give it. And there is a difference and I think my Members who always suffer from [illegible] difficulty in understanding the difference between land and dry land. Land is a broad term that includes dry land, as defined in this - ' wet land" and all sorts of land but "dry land" is a particular kind of land. Seeing from the definition in this same law - "land" includes land covered by water, all things growing on land, buildings and other things permanently affixed to land, so we have got ourselves into a muddle of allowing people that didn't know anything about the local custom to come here and with the inhabitants of these Islands, the people who know the local custom, the people who observe the local customs, the people who know that dry land and only dry land could give you a right to the swamp and the cliff. Will we have when we get a ruling like that from this Government over the public road and they also own the sea and that all the land in between will be theirs? What nonsense! What nonsense! Will they say when they get to Breakers that Government owns the land which is the public road and Government owns the land which is the High water mark and they own my property in between and they are entitled to half of it because they own the land? No - they own dry land and it is my

MR. G. HUGH BODDEN (continuing): contention that in our Island dry land has never meant the public road, and dry land has never meant the high water mark and dry land has never meant the foreshore.

The responsibility for the administration now been placed upon this Assembly, has been placed more so upon the Executive Council. In our Courts the Judge can make rules for running his court - he can set up guide-lines - the Judge can do that. The adjudicator can't do it. Clause 24 of this Adjudicating Law reads "The Administrator in Council" (would now mean the Governor in Council) may make regulations for the purpose of carrying into effect the provisions AND THE PURPOSES of this Law. The legislators who passed this law must have been imbued with wisdom from on high to put into this Law guidelines for the safe management.

This Law, which we heard from the Members that spoke had a very rough passage through the House and the reason for it was that they were here dealing with land which, to the Caymanian, means much. And so the Legislators put in every safeguard that there could be in a law to guarantee the proper administration. It is the responsibility of Executive Council and Executive Council alone to tell the adjudicator how he must carry out, not only the provisions of the law, but the purpose of the law. That is why I dealt in the beginning with the purpose of this Law.

Although the Memorandum of Objects and Reasons is not a part of the law or is not normally a part of the law sections 24 of this law makes the Memorandum a part of it, because the Memorandum sets out the purpose, they have used another word "reason" but it means the same thing. The Memorandum sets out the reasons and section 24 arranges for the carrying out of those reasons and we heard that directives had been given and directives had been changed and they can be changed again.

This Law is not being followed to the letter.

My friend who is responsible for Lands built about his little Black Boot in which three thousand acres of swamp land in the North Sound would have been sold by this Government in 1961. An examination of the Minutes of the Assembly meeting dealing with the agreement between the Government and Cayman Reclamation Company does not, in any way, give conclusive evidence that Government owned those three thousand acres. Section 1 of that Agreement says that Government was granting certain rights on the condition that subject to the Company obtaining the necessary permission on or from any persons who own land in that area. Section 3 says that it is proposed to reclaim and create land. Now if Government had reclaimed that land that was under water, if they had reclaimed that land, they would then have dry land and might have a right to the adjoining swamp. But they didn't reclaim - nobody reclaimed. The Agreement fell by the wayside.

Section 6 also says that the company had the right to reclaim the land described in Schedule 4. One of the reasons why Government has not yet sold that land is because that Government at that time had no title to it - they still have no title. They have not purchased it in any way - it can't be taken by possession.

One Member mentioned that if you don't like what the Tribunal does you can appeal, but that Member didn't give you the statistics on the cases that have been appealed he could well have told this House that all the appeals, or most of them, went the way they were adjudicated because the Appeal Court could not upset what had been passed as local custom because the Court doesn't know what is local custom - the Court doesn't know what is local custom, because local custom has not been defined in this Law. But the adjudicator knows what is local custom - he knows what is told to him by the people who direct him. He knows what is local custom in West Bay, or what they want but what they say he knows what is local custom for Bodden Town, or what they want him

MR. G. JOHN BOWEN (Continuing) to know, he knows what he is told and he knows what they want him to know; but the purpose of the Crown Lands Law is because it is not written into the Law and this is the crux of the whole matter. We have a law that is being administered, a system that is filled with partiality. Depending on who you are and where you come from and what you are.

I promised not to talk long, so I'll make a few remarks on the motion itself. This motion says "Whereas people in the Eastern District have become disenfranchised". One Member was quibbling over accounts and he talked nonsense about Midland districts and this motion and all sorts of nonsense; for the purpose of this problem, we are looking at this problem as the Western District and the Eastern Districts. The Eastern district here includes North Side and West End and Bodden Town and Savannah and Cade-Pond, the Western district is a line west of Spotts for the purpose of this. In fact, the Island ought to Crewe Road anyhow, so that anything east of Crewe Road is Eastern district, and if the Development Plan had been accepted the canal would have made the physical separation, and bearing that I understand the new road, the new canal itself will go a long way in making the separation final. But the Mover well understood what was meant by Eastern District - he knows what we mean - he knows we are talking about the land that is not completed - he knows we are not talking about West Bay, because that was done yesterday in local courts - he knows the words Eastern District signifies the areas that are being dealt with by a system that has been recently set up by the new adjudicator. It is my contention that we got rid of an adjudicator who was fair and who handed down decisions from which, in the words of the Mover himself, there were only 2% per centage of objection - he told us about thousands of parcels of land that had been satisfactorily dealt with, accepted by the people and this man, who would not give us Government what they did not have, has been packed off the Island. I don't know why he left - I don't know where he has gone, but the fact is, the plain fact is that the man who did the honest adjudication in the West Bay area is no longer with us - he no longer sits on the tribunal and anybody can draw whatever information they want from that.

This resolution is asking that the Eastern section, and I would ask the Member notices that word "Eastern section" and that has nothing to do with politics - that has nothing to do with the division set by the Election Law, or nothing to do with any little mark he should make on a map, we are asking that the entire Eastern section be treated as in other areas already demarcated and given to the Land Court - that is what we are asking in this resolution.

And the last paragraph of the motion asks that instructions be given to the relevant body - that might have stated that Executive Council complies with sections 24 of this Law that would have been another way of putting it, so they can't tell me about they can't tell the adjudicator what to do - they can well tell him, because ample provision is in this Law - they can make regulations for the carrying into effect of the provisions of this Law, and not only the provisions, but for carrying out the purposes of this Law.

And we went on to ask that if necessary the Law be changed, that is contingent upon it being necessary, but this Law has been changed - this Law was changed in 1973. I have an amendment here, and you know why it was changed to make more flexible provisions for the appointment and composition of the Land Adjudication Tribunal. So don't tell us about the Law can't be changed. It was changed and it can be changed, if necessary, but it is not necessary to change the law. If section 24 of this Law is acted upon, in the preamble to this motion we mentioned that the people have become disenfranchised - that is true - very disenfranchised.

MR. G. RAE BODDEN [Continued]: The Members are aware of this. Two members attended a meeting in West Bay, a meeting that was announced in one of their own churches. The Member for East End attended a meeting in East End and I am disgusted with being asked every coffee-break, and every morning and every evening if I can tell them when the next meeting is. And these meetings that are being held, Mr.President, because the people are disenfranchised. I hear on the outside that a march has been planned against the way this Administration is going -I don't know if it is true, but I hear so and we must listen to the drum-beats which we hear, because if we don't we will step out of time!

Some Members are already stepping out of tune and it is not because they are not hearing the drum-beats - it is because they are listening to another drummer, one that is far and distant.

This motion has been criticised a little but as I said in my opening, nothing has really been said against it, nothing can be said because every word in it is true, the people are dissatisfied - we want to be treated like the West Bay people were treated and we have asked this Executive Council carry out the provisions laid down in section 26 of the Law and I hope this House will listen to the drum-beat.

HON. CAPTAIN FOSTER: Mr.President, Honourable Members, it is said that an abundance of words is a comfort to a fool's heart. Mr. President, I will say emphatically that after four weeks I don't know whether the fools are being comforted or whether the wise people are, but at this point it has not really added to my better thinking this morning.

Mr.President, Honourable Members, we have heard about land, we have heard about directives of the Executive Council, we have heard about the administration, we have heard about everything wrong.

Mr.President, Honourable Members, one thing we can accept but I don't like Caymanians, and when I say Caymanians I mean the people of Grand Cayman, love their land any better than the people of the Brac, Sir, Sir. In the last seven years as seemed I flew across these Eastern districts many days, and I fail to see where the land these gentlemen are talking about. Giving that we are used to seeing solid land. But this reminds me of the Bank story which is so popular around here "Where has the money gone?" I sometimes wonder where has the land gone,because when I fly over the Eastern end, passing the South Sound, all I see is water! That is getting a bit serious.

We hear about beating, yes, propaganda. It is going so far, Mr.President, that it is even spreading to the Republic of Cayman Brac. Now what I am saying now is not propaganda, that's a fact. Mr.President, I will be very honest with you, I was elected on this issue to represent my constituency in 1968 and sitting here for the last, should we say, two weeks, although we've been here four, I often wonder, in the case of creation how this Cayman Islands existed before the two Members from the Sub-capital of the Island came into the House. So when we stop and think just what took place.

Mr.President, Honourable Members, I quite well remember in 1971 when this Law went to a Committee it was studied in detail by Members - it was amended as these Members now sit at that time and it was not quite as Members stated that we were led: we knew to the slaughter.

Mr.President, the Members of that time studied the bill very carefully - they were given the opportunity to amend the clauses - they were pointed out the benefit this legislation could be to the Islands and when I withdraw and hear that the people are disenfranchised the blood begins to boil.if you have any. Surely, there are problems to be faced in any phase of life and as I stated before, the Brac people love their land + this

MR. [illegible] (CONTINUING) was warmly accepted by the Brac people - it went off, the whole survey, went all in our time without any dispute. It has put landowners on the position where they have guaranteed titles - they know what they have. It has put landowners in a position that transfer today is very simple - so I think many members here have been to the Department - it is very simple - well organised and one knows what he is buying or what he is selling and.

Just week before last, to give you a small example, I was purchasing a piece of property in the Brac, the transfer was being made. Shortly after I applied for the transfer the particular person, not being aware of how the system operates and no doubt having a feeling for more money at the particular time, decided that they would take another deposit on the same piece of land. By the time the two parties got to the office it was rectified immediately. Mr. President, Honourable Members, everyone is aware that this caused a lot of problems in the past years." You could wait a lot of land until the new owners found out about it, ten or three times.

I am not convinced that the Hon Members of the House supporting this bill had the Cayman Islands into discussion. Mr.President, in my own Island we are large landowners and I don't think that it has affected us any. We got what was originally ours - as simple as that .

Detailed survey on the other hand, in the two Lesser Islands, was nearly a phase of development, because it brought to the people a lot of work.

We've heard a lot about local Customs. In 1949 my family returned to these Islands from America - I was a little bit of boy but from the time I can remember myself we have always heard and I will explain after the statement, that there were 3 Cayman Islands, the Brac people, and Little Cayman people were different from the Caymanians. Mr.President, for seven years I've been trying to cross this, not only here, but in my own Island, but by God I am wanting to believe it is very true now, the very local customs are different. Should that be such a change? Our people in the Island didn't drain our swamps and these are what I term "inland swamps" with dry land. And I am not talking about Cayman dry land, because you know there is a lot of difference, we like walking up there - this is quite land all around the swamps and Cayman Brac didn't drain the swamp or as we term it, 'pond". We watched out for the cliff. Enough

Now, Sir, I find to see how so much difference in the local customs. The Member spoke about his forefathers; the forefathers of the Brac, many of them were in Grand Cayman before they came to the Brac and , Mr.President, I believe that they too would have fought for their rights as much as any body else. I believe the people in the Brac would fight for the right of their people as much as anyone in Grand Cayman, but can there be that much change in the local customs?

I don't know if all the Members of this House would get the opportunity when they were offered to have aerial view of their Brac island in the Police helicopter, but it may well go and it may well help an Members utilised this trip, because when I sit here and listen to Members talking about inherent right and the land of the people, I would like sincerely to show me the land they are talking about on the north of North Sound, the swamps and its water.

Mr.President, is our Government a foreign institution here? It seems sometimes that it is. The Government of the Cayman Islands is for the people, especially even if they claimed ownership lands and are awarded marine lands through the Court process it will be for the use of the people of these islands and one really gets brilliant disputes when accounts are made

HON. TREVOR FOSTER(CONTINUING) that they are stealing the people's land. Who are the people, who is Government.

The point was made sometime ago by our learned Second Official that you can't steal land, is that an it may, I am certain you can't steal that land, as there is no land there really.

Mr.President, with to the effect that documents were produced and that the adjudication system, although stating that it is by documentary evidence of over twelve years it would be accepted, Mr.President, I agree with this but the Member, Sir, has really confused the issue. You know, land is something unique in the minds of all Caymanians, and mine too, but it is not that evidential won't accept the ancient documents, what brings the problem is the perjury additions to the documents - that's the problem, Sir...

MR. JAMES M.BODDEN: A point of order, Mr.President, that is not correct. The Member doing his studies should do a better research on what he is talking about. The document we referred to in our speech yesterday was done in 1913 and there's nothing wrong with that document and go check with your big man Mr. Dart, the ex-tutorial man, and he would tell you that. You may be talking about new wines that, but but the one we referred to that was 62 years old, so please do your research before you begin something out and try to make it as truthful on this floor.

HON. TREVOR FOSTER: Mr.President, I think it refer to any particular document, very general. Mr.President, I'll be very honest with you, Sir, you know, if the cap doesn't fit people I don't know why they wear it - its as simple as this.....

MR. JAMES M.BODDEN: A point of order, Mr.President, its not about the cap fitting anybody, the point is we.....

MR.PRESIDENT: That is not a point of order - this is Debate, the Honourable Member has his chance to reply or this when he is winding up.

HON.TREVOR FOSTER Mr.President, again, Sir, I did not state any particular document, it was a general statement and I feel I have the right as any other member here to make these statements.

Mr.President, the adjudicator, an Grand Cayman in the position he is, also in Cayman Brac and Little Cayman, is assisted by Assessors which are local people. Although it was stated that the Assessors sit by the adjudicator, say nothing, and therefore they become like stooges. Mr.President, I don't think this is quite right. The Member just said to me that I should do my research and my homework and I think this is just what the Assessors and adjudicators do before they come to the tribunal - they do their homework, but surely, Sir, the Assessors should know a little bit about local matter in the Cayman Islands. If nothing else would have convinced me that the whole motion is not quite correct is this. I feel that the Assessors are local people, they no doubt have a knowledge of what is taking place in this Island over the years and I think Members of the public can rest assured that they have voiced their thoughts on matters.

Mr.President, its unfortunate that in our Islands today, we as representatives can't legislate laws that suit every member, that suit every person in the Island, but through the process of democracy, the majority rules so many things that have gone through this House that personally as one Member within House I did not agree with, but in turn I have to know that I am part of a small democracy and therefore the majority rules, and we have to accept it as such.

HON. GURNEY GOSTICK (CONTINUED) As the Member spoke about the Bill, he said that he could not agree with it (Akimuk) that there should not be any change for the Mideast District or the Eastern District, as they wished to be united. I can agree with this. I think that whatever is suited for one part of the Island should be suited for the other part. Now if the Member had said what is suited for Grand Cayman is not quite suited for Cayman Brac, I would agree. This is another island, there is a different people of that, perhaps. And here again I am proving it as a fact of the difference of local custom.

Mr.President, I cannot support the motion. I can't state that I feel that through the cadastral system people are losing their rights and their land. I do not feel that we have been done away with this Law. I feel it has put us in a position with our land titles that we can rest assured that we come upon the land any, whether it be individuals, whether it be Government, or whoever it is, we were not in that position before. The survey and the introduction of the cadastral system did never state that you would not have problems with boundaries. I can remember one of the Gentlemen introducing this into the Brac meeting that you would always have problems with boundaries because rocks or pillows or iron rods were at that while we in the Bay but it might they tend to move and move themselves. This is very true, so there is never any hope that one will have complete satisfaction with boundaries because people don't always think alike, people are human, and I will assure you or the title.

Mr.President, we are in order that this House should adjourn this afternoon, for this session, and before bringing to a close my brief statements I wish (like to offer a few words of constructive criticism to our press.

MR.PRESIDENT: I think I'll have to ask the Member to make those remarks on the motion for the adjournment, I think this is getting away from the subject matter of the Debate.

THE HONOURABLE MEMBER: I agree with that, Mr.President.

Mr.President, my contribution to this motion is that it is impossible for me to support it. The adjudication system, the cadastral system has taken place in my constituency. It has gone on very well. There are a few complaints left to be settled but this is natural and I find it impossible to support the motion, however as we are always told the Cayman Islands has one, and I feel that it should be kept under the cadastral system now, thank you.

HON. J.B.McLAUGHLIN: Mr.President, and Members, I didn't intend to speak in this debate because it is largely a political matter with which I am not particularly concerned, however, Mr.President, there is just one or two points which I should like to make and firstly, the first point is in connection with a quotation which was referred to by the mover of the motion from a statement made by me in the House at the time when the Land Adjudication Bill was passing through its Second Reading, and because of that it has become necessary for me to point out that that quotation was taken entirely out of context in which the statement was made.

If I understood the Member, the Mover of the motion correctly, he referred to this quotation in support of his motion in an attempt to show what I was saying then was that we had in the Cayman Islands wanted Crown Land. If, however, the whole Caymen on that occasion is read it will be seen, Mr. President, that that was not the meaning or the intention of my statement. It was the debate on the Second Reading of the Bill for this Law and the number has referred to section 13 of the Law which is the section which says that all unclaimed and unoccupied land shall be deemed to be Crown Land, and the general tenor of the

Hon. G.E.Kabourakis (continued) Debate increased that there were grave fears that [illegible] a great deal of land would pass to the Crown. It was in that context, Mr.President, that I endeavoured to allay those fears by making the following statement in my speech in the debate, and I quote -

"Then the Member went on to refer to section 17 of this Bill" (I was referring to the Member who was referring to this section), "and that is the section which states that all unclaimed and unoccupied land which shall be deemed to be Crown land . Well, I can't see anything wrong with that, because on both provisions I can well see that no land will be Crown land - I can hardly imagine any unclaimed and unoccupied land in the Cayman Islands".

Now, Mr.President, what was being conveyed by that statement was that Members need not fear that much land would be deemed to be Crown land under that section, because it was highly unlikely that there would be any land in respect of which a claim would not be made by someone and once such a claim was made that the land could not be deemed to be Crown land. But, of course, it is one thing to make a claim and another thing to substantiate that claim. But the point is, Mr.President, that once a claim is made then the land cannot be deemed, that is in any, presumed, to be Crown land, the matter then becomes one for the adjudicator who must then adjudicate on the claim and make his decision as to whether or not the claim has been substantiated.

Now the other point I would like to make, Mr.President, is that it seems to me that what this motion is seeking to do is to use this Assembly as an appellate tribunal and this, of course, is not permissible. The Land Adjudication Law contains very adequate provisions for any person who is aggrieved by any act or decision of the adjudicator to pursue proceedings by way of appeals to higher tribunals, in order to correct any decision of the adjudicator which is erroneous in point of law, and when I say appeals to higher tribunals I don't mean appeals only to the Judge of the Grand Court, but appeals also, if necessary, to the Court of Appeal, for the Cayman Islands, which is the Court of Appeal for Jamaica, and if necessary to the Judicial Committee of the Privy Council. Now the adjudicator occupies a quasi judicial position under the Law and his duties and the exercise of his discretion is governed by law. He is obliged to perform his duties in a judicial manner and no one, not even the Executive Council, as suggested by the Mover of this Motion, can give any instructions whatever to the adjudicator as to the manner in which he should perform his duties. Mr.President, I was amazed to hear that statement because it is tantamount to saying that the Executive Council could instruct the Judge of the Grand Court as to how he could exercise his judicial discretion.

There was a lot of criticism of the adjudicator in having rejected documents of title 30 years old, but we should remember, Mr.President, that the law sets out what a good documentary title is. It means a title which is evidenced by documents which establish that a person is entitled to land in fee simple. Now a document can be one hundred years old but it doesn't necessarily establish that the person to whom the grant was made is entitled to land in fee simple. It all depends on the recital contained in the documents which show that the person was himself entitled to the land in fee simple, so we should remember that there are very difficult matters of interpretation of documents which the adjudicator has to perform and it is, in my submission , wrong to criticise this original trilogy for anything he may have done. I am not saying he was right, he may very well have been wrong, but the point of my submission, Mr.President, is that if he was wrong, then there are procedures set out in the Law whereby that wrong can be corrected and those applicable procedures should be followed and it is quite wrong to endeavour to side-track those procedures by listening to the

HON.G.H.MCCOY: (CONTINUING) Assembly a motion of this nature. That's all I wish to say, Mr.President.

HON. HENRY O.EBANKS: Mr.President, if I spoke only on the merits of the motion before us my comments would be very brief and I will make those comments towards the end of my contribution, but in dealing with this motion and particularly with its introduction a lot of history was given as to how the Land Adjudication Law 1971 actually came into being. I would hope, Mr.President, that I would be afforded the same facilities to fully put the comments straight on some of those matters.

I was around in those days and I also know what took place. It was said that it was the first time in the history of the Cayman Islands that a bill was refused introduction into the Assembly. That is quite true, Mr.President, but there is something which came before that. The Land Adjudication Law, 1971 as it was passed, is not the bill or the law which was presented to the House in the first instance, nor was it the bill that was designed to be brought to the House. Negotiation was going on with regards to this bill and Members of this House during that period asked that the bill be presented to the House; at that time the President was put in a position that he had no alternative but to present the bill to the House, and the bill was brought in the House with the accompanying announcement that it was being presented to the House without the approval of the then elected Members to Executive Council and that we were giving to them a conscience vote on the bill.

Naturally, Mr.President, why I objected to the bill coming at the time was because I knew that what happened was really what was intended to be done from the beginning. There was no intention of supporting what the bill was aimed for, it was only intended to cause embarrassment to the Chair and this is when the then President of the House was called back to London for discussions and a message was sent to the House imploring members to use the good discernment which they had always exhibited and to consider the bill. We were given the assurance that the bill would be subject to amendments and that was why Members agreed to consider the bill.

The Motion says that the then Members of the Legislature followed blindly and fell like pins in a bowling alley at that pronouncement. Mr.President, to say it was for them wisdom to have taken the opportunity to have studied the bill, negotiated and moved it than to have had it passed in the original form. That wisdom has been borne out by both the Mover and the Seconder to the motion before the House today, because both of them have, although the Mover criticised the then Members in the beginning of his speech, before he finished, in trying to prove his case, indicated that the Members of the Assembly had encouraged the protection of the public in the bill. So, the Land Adjudication Law, 1971 is the product of a study of many days sessions in committee and I am saying that it does adequately the safeguards for protecting the rights of individuals as regards land, in the Cayman Islands.

It has been said that much has been said about this motion before us and that is true, Mr.President. It brings to mind a recent article which I read which is that ways that when/persons say virtue to an matters it becomes a contradiction and turns into its opposite and this is what we found happening as the debate went on. Some personalities also take a retreat out of being disapproved on other people. This enables those people to satisfy, shall we say, their need for self aggrandizement, but be all of that as it may I am going to turn now to the crux of this matter.

HON. BERNICE O. BROWN: (CONTINUING) As was stated by the last Member, in my opinion, this motion should have been very easily dispensed with, if it should have been brought at all, because the motion is for legislative remedy for what is provided by law to be remedied judicially. If we were to attempt to condone resolutions or motions of this nature, it would be possible to find that because one judge fines a person thirty dollars for an offence and another judge happened to fine somebody sixty dollars for the same offence, well, the resolution would be tantamount to us having while to bring a resolution asking that this House order that the fines be the same.

Now one of the Members quoted section 26 and tried to make this appear as though the Executive Council has the authority, by regulations, to direct the adjudicator to make certain decisions. Mr.President, if that had been the case, section 26 would not have provided that any person including the Administrator which means the Government who is aggrieved by any act or decision of the adjudicator and desires to appeal it or any part of it must appeal to the Grand Court. This is proof positive that not even the Governor, nor the Government in Executive Council can direct the adjudicator to give decisions favourable to the Crown. The Crown stands in the same position as any other land-owner under this law. The adjudicator makes his decision, if the Crown is aggrieved they appeal. It is not correct to suggest that section 26 gives the Executive Council the right to make regulations directing the adjudicator to act in any way, any specific way as regards his judgment.

I think the suggestion was also made that Executive Council had not made any regulations under that section, but regulations were made in 1972, setting out certain procedures to appeal and so on and it is the area of regulations which is referred to under section 26.

Much effort has also been made to show the issue as to why a definition of local custom was not put into the law; again, Mr.President, we heard from the Member of Executive Council from the fact that the custom, as regards sheep land in Cayman Brac and Little Cayman, is not what is claimed to be custom here and that is the specific reason why local custom was not defined in the law. When the law was laid, studied the Committee was informed that custom in those two TA acts and possibly in different parts of this Island were not the same, and for this reason local custom was left to be determined by the adjudicator and by persons who would be his successors - local persons with local knowledge.

We also heard, Mr.President, about the cost of this exercise. It is my recall that when this Bill or this measure was introduced or proposed to these Islands that we were told that it would be free of cost and I have always suspected that this had been said, but if Members would reset their memories back, the hon President of this Annex brought a message here on this matter and the discussions at that time of most Members up to one point of the proceedings was that this Government would pay quite a large proportion of the cost. The argument went something - "you don't get anything for nothing" and "we want to pay our cost", and it was at that point in the debate or in the proceedings that I made an intervention and said that I was not satisfied that the matter had been sufficiently explained and the resolution which the then President was attempting to draft was discontinued, because Members joined at that point in saying "why we should look at this thing again".

It was subsequently, of course, reduced by resolution to a 70:30 per cent ratio, the Cayman Islands paying the thirty per cent.

HON. MEMBER [REMARKS INCOMPLETE] the protection, Mr.President, which is being sought by this motion , as I said, is blatantly laid down in the Land Adjudication Law and Members who have spoken to this resolution have agreed that these provisions are there .. if this resolution was quoting examples of hardship that were being inflicted on people because of a weakness or a provision of the law I could see merit in it. But we are being asked to issue directives because two adjudicators or may be the same adjudicator happened to have tested certain landmarks, and I maintain this is not the place for this remedy. The remedy lies in an appeal to the Courts. Our system of Government and justice dictates that there is a separation of the legislature, the administrative and the judicial branches. I cannot see how this House could be asked to legislate what is in effect a judicial matter.

I am not here to argue whether what has been done is correct or not, because I would be committing the same error that I am criticising. All I can say is that the Department in Government responsible for lands could have been derelict in its duty if in its opinion the Government had claim to certain lands and did not file those claims. In addition to that, statements were made in this House to the effect that Government was not protecting the land which is owned. Questions were asked what action was Government taking to preserve the land which is lawfully theirs. So I cannot condone the Department in Government for having made a claim to what is considered to be Crown land, and it certainly seems to be the general opinion that it is crown land, that is the general public opinion and if the Commissioners have given it to Government and this has been objected to the adjudicator and he, with the advice of his assessors have maintained that the land is Government's, there is still further recourse for those persons who are dissatisfied with the judgement. To go to the Appeal Court- the Appeal Court and end up straight in the Privy Council - we have heard a lot about British law in this debate so we could even get the benefit of the Privy Council on this.

There is just one other point, Mr.President, that I want to clear up before I sit, and that is the point made about the voting in land where Government is said to have expressed the view that they had, at least, three thousand acres of land, and if one reads those minutes correctly one will see that it was evidently the opinion of Government that they owned more land, because it was explicitly pointed out that the three thousand acres that was proposed to be leased, would be situated at the extreme southern end of the area that was delineated on the map.

And the other point that I want to make, Mr. President, is that one of the Members using these Minutes gave the impression that some of this land was to pass from reclaimed land in addition to what was considered Government land, but my understanding of the document is entirely different. What was understood was all of the land had to be reclaimed - that it was wrong now to declare merely land, it had to be reclaimed, but in section 1 where it refers to the area, it refers to the agreement and the schedule marked A and in section 4 where it refers to the encumbrance of land, it refers to the same area, the same exhibit B, so that as you go through the minutes one will see that it was intended that all of the land that they were talking about would be land that had to be filled - I mean, the whole thing was a dredging operation - it was never suggested that the Crown transfer to the private persons or be sold, new dry land, or land that did not need reclamation, and the other point is the Member quoted, quite correctly, from the Minutes the statement of one of the Unofficial Members of the House, who is perhaps among the oldest people on the Island today, he quoted quite correctly, that ownership of the dry land normally conveyed half of the swamp land to the dry land owners, and it is I understand it this is the procedure that is being followed. They are getting half, the other half going to Government and it is significant that we should endorse, or dictating this, that this is the same half of

HON. MARCUS S. McTAGGART (CONTINUING): the entire that was being debated in 1961, that was the area that was being debated, so all the Member was saying was that in making this assessment the Crown had to be careful that they did not extend the boundary of the proposed area to be sold further than the half way mark, because they would then be entering into land which was in private ownership because of the custom which existed. They were talking about selling, the same area that this motion covers - the same General area, only thing they were talking about selling the three thousand acres on the extreme southern end of it, which is a clear indication that in their opinion Government was entitled and owned a lot more land.

As I said, Mr.President, if this is what is certainly deemed to have been the belief of the Government in 1961 that that was the legal matter, so I don't see how the assessors who have advised the Administration today should be ridiculed for their advice beforehand. They had good precedent, in my opinion, to go on.

I could go on, Mr.President, with various matters that were raised but which I consider we far removed from the issue that I am not going to go into them. As I said in the beginning, my contribution to this debate would have been very simple and it can still be summarised very simply and shortly that is that it would be wrong for this Legislature to provide a Legislative remedy for what is, in effect, a judicial problem. The law, as Members have quite rightly admitted, embodies provisions for the protection of the rights of individuals and of the Crown, which is the people of the Cayman Islands, and I, for that reason, Mr.President, will have to vote against this resolution.

HON. V. H. ROCKWOOD: Mr. President, I do not propose to speak on the merits or demerits of the resolution. I want to make that clear, what I do want to do is to set the records straight that in 1971 I had agreed to become a Member of the Executive Council, from 1969 and those two Members, the Member for Education and the Member for Resources and what-not, Tourism, they were then the Members of the Executive Council. I was surprised to hear the statement this morning that Executive Council had made a mistake and hadn't brought this thing forward. I am surprised to think that these two Members who knew so much did not fix it up before it came before the Assembly.

As I said, I am not going to speak on the merits or demerits of the matter, but I could not let this pass without challenging it and as a matter of fact, I make it clear that time that I was in favour of this law, even though the Members of Executive Council were against it, Latins, it came forward and I made it clear that the reason why I thought it should be done, was, first of all that the Secretary of State had made it clear that if we didn't pass the law, he expected us to use our best manner, and pass the law, but if we didn't pass it, he had the power to pass it over our heads, and I made the suggestion, I have voted it against it. I was the only member, to begin with, and as I said I was not a member of Executive Council at that time, I was just a member of the Assembly, and my point that I made at the time was that I think we needed this thing, especially to protect the interest of poor people, and when they had a little piece of land, they would lose it. So I proposed that we go through first and second readings and then refer it to a select committee of the whole House. I am sure that the records will prove this and I am surprised to hear these Members who know so much about parliamentary procedure and what-not to come here and say that the Executive Council, of course, I have had more experience of that before when I - I don't think I should go into this. I think I just made my point - well, if they want to hear it,

Before that, they made it clear that they accepted that collective position of Executive Council and brought a resolution against the Members of Executive Council at the time, Mr. Kirkconnell and myself.....

HON.W.W.CROSBIE: Mr.President, on a point of order - this is very much irrelevant - question that was brought against the Executive Council 10 years/15 such irrelevant to the motion that is before us, Sir...

MR.PRESIDENT: I am afraid that it was put in issue from this side of the House and the reply must be allowed also.

HON.W.W.CROSBIE: Mr.President, with respect, he is referring to a cabinet motion - I don't think any remark came from this side of the House on that.

MR.DOYLE: I may be wrong - I thought that the Honourable Member for Bonavista North, in relation to the antecedent of the 1971 Bill position in Executive Council at the time.

HON.W.W.CROSBIE: Mr.President, that is right, but what the Honourable Member mentioned was, what he was about to mention, what he did mention was the cabinet motion and this has nothing to do with the Land Registration at All , this was yours below.

MR. G. HAGGIE HOWARD: On a point of order, Mr.President, these Members shouldn't argue with the Chair.

MR.DOYLE: Well, I am quite open to correction, if I have misunderstood the things being talked about, this is what I am trying to clarify. If the Honourable last Speaker on my left side from West Bay was referring to a different matter, than I stand corrected.

MR.T.V.FITZGERALD: Well, Sir, I accept your ruling if you say that it shouldn't be brought in, but the first part of my statement was that they themselves were surveying Executive Council or having their chair ply, why, they were voting against it. The Records will show that, Sir, and I am sure we did a good job, because in the original form which would have been passed over our heads - it was quite a matter of many things which wouldn't have been so pleasing, we had a chance then to correct them. And as I say, it is incorrect to say that the Members of Executive Council, if it is correct, they were the Members who were, and they were sweating in their duties. That's all I am saying, Sir, I thank you.

MR.PRESIDENT: I think this is rather hypothetical in relation to this particular debate, I think we can let that particular point lie at that stage.

MR.CROCKER: We will adjourn Lake Week.

MR.JOHN C.CARTER: I ask to be excused, Mr.President.

MR.CROCKER SPEAKS: Mr.President and Honourable Members, it next week wasn't Carnival week I assure you we would be in here again next week because I very could stand here and cover enough ground to last us into next week. But I will be fairly brief.

- suppose most of us don't believe the Bible - don't believe the Scriptures, but every happening in the world today has been told here in prophecy by prophets, what would happen a hundred years, a thousand years hence and it is all being fulfilled, it speaks of wars and rumours of wars - that means last. The Bible also said he that has little shall have less and even that shall be taken away.

In general, what it is taken away it is never from the rich, it always from the poor to make the poor poorer and the rich richer.

I'd like to cover, Mr.President, just a few

MR.CRABBOCK EGANCE (CONTINUING) I backgrounds into the history of this original team when Government proposed to go into it. In the first instance, the Head of Government misled the people, what ought to have been looked upon, the scandal and disgrace for any Government, the Head of Government, to lead the people, tell them things that they would achieve and things they would get and Government knew within it- self it wasn't true.

When Mr.Lawrence, the Land Survey Officer, was brought in to advise Government as to the way that this should be tackled, down south, Mr.Lawrence covered the island and on the end of his tour he met with Members, which must embrace them are members that are here today. He met in an informal meeting, just to give a preliminary of his findings and what he thought the way it should be gone about. He had gathered, seemingly, reasonable grounds for satisfaction to go into this, except he said in one area - which was stated. When one member, but me - I didn't - asked the question "where is that area?" Well, he hesitated, but he said "if you were to know I will tell you - it was North Side". He said "they were uneconomic, they wouldn't move", and they are still that way today, Mr.Speaker.

On the end, I said, "Mr.Lawrence", because he indicated this can be done just in eighteen months, we can clear up all this thing - I said "Mr.Lawrence, I am not an engineer, I am not a surveyor, I don't know anything in this field, but I believe I have been long enough to think that if such a job could be tackled and completed within five years, it would be a remarkable job". Came "Oh; ho, ho," I don't know the system - this proves those technical, those advisers, and those that we bring here to tell us something that we don't know. I said "Mr.Lawrence, I still say if you can do it in five years its a good job". It will soon be entering its sixth year - and not finished yet. That's the expertise - that's the expert's advice most of the time, in my opinion. Nevertheless, Mr.President, we were informed that there would be no more family problems, there wouldn't be any more backing-up, there wouldn't be any reason for court hearings, there couldn't be any more disputes - it wouldn't be anything just a beautiful botanical garden with a sweet, flowing, still river down between, that's all the land problems in this Island would be. According to that then we would just start life afresh living, and all the court cases would be thrown out, the broken up families would be coming back together, and what not. How misleading how misleading can anyone Government be to its people! Won't cost anything. My 22 years in this House, I sure knew that my people never got anything for nothing - we paid for it but many times we suffered for it.

I told my people I disagreed with it, because I say what it means to its end it means taxation. Oh, no, Christo, let me live and see, as we referred to, but some way we have no more poor people in this country, the one individual that has one last little piece of land and when they can't pay the taxes on it, who's going to take it - Government, then they will be left without it.

As Mr.President, you have heard on more than one occasion, the same land problem, Guantanamo, brought a demonstration and I tell you, Mr.President, it came to the point of creating what most of us would have liked to have seen, and I am glad and Government created it all, because when the then Prominent and the Governor, Administrator of the Cayman Islands, would have that building barricaded so nobody would see but and nobody could see in, and have a big standing outside, and speakeasy, whatnot, telephone this way and that way, and what not. Then Government was only trying to assume the image of the people to be loyal.

I elaborate some of my remarks that morning, Mr.Speaker, and I made it clear, I said "The people of the Republic will be quiet providing the barracades on this building is removed, other than that it won't be any trouble here".

MR.CADDOCK SPEAKS:(CONTINUED) I wonder why the Member don't get up and speak, I'll sit down if you want. I didn't interrupt the Member to say anything or murmur against him while he was speaking).

Mr.President, I may be calm, you know, but I can get wild when in a while. I think I have indicated all of my times in the House, I conduct myself with respect and behaving to other members what they are talking, and if I got to go the other way,Mr.President, undoubtedly I think you would ask me to leave the House and before you do that I will get out - you won't have to ask me to leave."

Mr.President, a Bill was brought in the House and as has been said, it was referred to a committee of the Whole House and we spent many a day , many a day trying to get something in-to the bill that ought to have been there, that wasn't brought into the bill . The bill said if there should be any disputes the adjudicator and his assessors would settle and that would be the end of it. It couldn't go any further. That was the final judgment.- Would any civilized country, civilized people, feel that that is being fair to its people?

We argued for days - they got it to the Grand Court that would be the end of it. No, it's not the end of it - we still Belize argued if a landowner appeared financially strong enough and he can do it, take it to the last end of the world, if he wants and that's why it is in the law today, Mr. President. It wasn't that known responsible for bringing a bill to the House, for it to become law, but given the people that consideration. They meant to make it hard.

I was one that went across to the Turks and Caicos Islands to have a look at what was going on over there and I saw nothing there, Mr.President, that convinced me at that time. The reason for them starting in the Turks and Caicos Islands was just to lure and blind us that this is such a good thing that they have accepted it, as we see the case, they swallowed it line, hook and sinker.

Mr.President, that was my first trip to the Turks and Caicos Islands. I had heard quite a bit about it from time to time but my heart, my sympathy, went out to the people in the Turks and Caicos Islands in their poverty. They had no land to lose, they had no land to gain, living on little salt cays that nothing in the world grew on it, just a bit barrels' sometimes, a few little shacks here and there and there - they had nothing to gain, nothing to lose. The one little livelihood they had they had even lost that - that was the salt business - that had been taken away from them. They were then being granted, as the First Official Member so often refers to. So as far as I was concerned, they had nothing to offer that I saw that I could say, we need the salt thing. If they had been bribing off it as I could better understand, but they tried to run them to sell us.

Mr.President, this has been gone into more than once over the past few years and has been talked about - this land, this land and it is our birthright - its what made grow wise and some fools, I guess. But it was the only livelihood that we have known for very and many a year - go on the beach and fish and go here in the land and cultivate.

Much has been said about the directives - no directives have been changed. That it has been said it has been changed a little bit, but its nothing to worry about. I wonder what one of us would go across to the supermarkets and the cashier gives us two cents short on our change - would say "thank you, don't worry about the two cents" - no, we stand up there and argue about it. It wouldn't be anything wrong. Nothing wrong with this.

MR. CRADDOCK EDWARDS (CONTINUED) Mr.President, if I could like to see the true figure , the true amount brought to this town sometime or published to the public this is the true figure of the cost against what we were told it won't cost you one penny. And Mr.President, with those stressed remarks, to new non convictions again, regardless of what may be brought in connection with this, to accept it, because when we were misled by those that should have put us straight, then how can I how and feel that I will,as my people will be justly insulted all through this.

Went completely across the Nassau humbug how nobody had any squawk'em until they got to Sarah Scant and then it rose as they started "yes, let's give it to them". Then we got further up, those that have little shall have less and from them "we'll take some or theirs". Then when they have to take it to the court who bears the expense, those that are not financially able. They have to sell half of it or sell the whole of it, or give it up or do something.

One last point, Mr.President, after that demonstration a bill was brought to the house that there couldn't be any more unless you give the commissioner of Police three days' notice and his approval. Mr.President, that was/was and the purpose only, revolve the people of their last right and I am sure, Sir, that if there comes a time, I don't want to see it, if there comes the time I believe the course of the law will be followed, but if Government thinks and feels that" depriving the applicant of the right for a demonstration will stop it, then it will be.Gardner knows, because, Mr.President, people, the people of any country must be heard, and if they can't be heard in their calm, quiet spies, then if they march or make noise they got to be heard.

Mr.President, I would not go along any further, but as I said, I could and I give my whole support to this motion. While I realize that it is all out and dried that we'll make it hard and a lot of farmers say they don't create any hardship or create any hard particles, or anything, they don't have any land may be a duck make much difference, but I would like to see and that's the only thing I want to see, clear, clean, and justice - what is good for one is good for all. When it that is done, we won't have any controversy with the public or the people and you won't have these major televisions brought before you, Sir. And I hope that with the starting of the new year, all members would come in and be prepared to come in hours to see that the grievances of the public are better heard than they have been many a time, when brought to this house, in this form and not by be trampled and pushed under the carpet, or under the floor, or under any place. I thank you, Mr.President.

MR. JAMES M.BODDEN: Mr.President,

MR.PRESIDENT: I wonder whether this wouldn't be a good time to suspend? The one o'clock and I think there is the reply to this motion and then another motion to come. I think if the Members agree I will suspend until 2.30 this afternoon.

SUSPENSION

AT 1 O'CLOCK THE HOUSE WAS SUSPENDED UNTIL 2.30 P.M.

HOUSE RESUMED AT 2.30P.M.

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

MR. JAMES M.LEBOEUF: Mr.President, Fellow Members, In case I know there is very little to be said in winding up this motion because being very frank, the motion of itself has been kindly treated. There hasn't been so much harm wrong with it, but there are certain things that I will have no alibis and I speak in that respect, Mr. President, in regards to what I would call the abuse that was voiced by certain members as well as inaccuracies. So its a good thing that in presenting the motion I took with the history of it, because if I hadn't done it it would have been difficult to do it in the winding up, as there are quite a few things that have to be cleared up.

I have made notes of the different things that were mentioned by the Members who spoke and if I appear, Mr.President, sometimes to be digressing, I will abide by your rulings, but I would ask a bit of leniency, so far as you can tolerate it to try to deal with the representations that were made.

One Member alluded to the fact about the change in the policy of redistrict in regards to what we term the Western District. I will, to make some headway as soon, also call it the Mid-land and Eastern District.

When this matter first arose, Mr.President, I was told by one of the leading members of the cadastral team, a gentleman by the name of Mr.Moore that there had been a change in policy in regards to the activity of the cadastral system. Now this was told to me in his office at the Cadastral Office. It made me very angry when I heard it and the first place I stopped was to pick up my colleague here from North Side in my car on the road and then come to your office. So you are quite aware of how we felt about this from the beginning, and what brought it about. Mr.Moore told me, in no uncertain terms, that they had been ordered to deal with the Eastern District in a different manner than we had been dealt with on the western end of the Island. I asked him who had ordered these orders and he told me the order had come from Mr.Conolly and Mr.Lauer. This is what I was told, Sir. He said that they had advised the Department that Government had not gotten as much land on the Western end of the Island as they expected to get and in order to make it up the policy would have to be changed for the western end. If this is lying, Mr.President, I am only being the carrier of it - I am not the originator.

At that point we had, I think, two meetings in your office and I think it finally wound up to where it was five-elected members at the end that discussed this. We had several meetings with the Fourth Elected Member of Executive Council and some members of the staff. At every station we were told there was no change in policy, everything was as it was before. Finally, at one of these meetings, an admission was made by Mr.Knight of the Cadastral Department saying that there was an additional direction one which he had prepared but had not signed.

At another meeting, at which the Honourable Fourth Elected Member to Executive Council and myself were the only two members present, the file was presented to me. I perused the file, I found the directive and I must admit to this House as I admitted to him that morning that there was very little bit of change in the wording of the new directives. But, Mr.President, it serves unto itself to prove that the directive in some manner, was changed, because in the cadastral dealing on the Western end of the Island the land was dealt with on the shores of the North Sound on the basis of Government reclaiming private ownership by claiming high water-mark. I have in my possession several divisions that were handed down by the adjudicator at that time, and it would like it was

MR. JAMES WARREN (CONTINUING): very difficult for Government to claim any land under the high water mark system because it was difficult to calculate it.

When we get on the eastern end of the Island, Mr.President,and the records can bear out what I am saying, the challenges have been on local custom and to one half of the swamp and on the fact that the land is what they call "waste-land" so there definitely has never a change in policy. Who originated it, who started it, who ordered it - at this point, I cannot say.

Reference was made here yesterday in regards to myself having interest into a company which secured dredging rights and which paid for a quick claim against every land. I would like for the Members of this House to collaborate me for just a minute while I explain a little about this. There are three members sitting in the House here today who were present in Executive Council during the time that I had negotiations with Government on this particular subject. There was quite a bit of difficulty by Government determining the rate structure and determining how they would allow these leases to be drawn, and when I speak now I stand subject to a little bit of inaccuracy, but I think it is just about one hundred per cent accurate. Finally, after an impasse has been met I offered what I thought was a solution. I said " I am prepared to pay a certain amount per cubic yard and $10,000 for a dredging lease". This was accepted by Government and agreed it by myself.

About this time, Mr.President and Honourable Members, the swamp land issue raised its head. I went back to the Government and I said "The $10,000 I will be paying. I would also want to have a quick claim against any land that if I spend this amount of money to reclaim it, I will not be reclaiming it and somebody taking it away from me." At that point it was agreed then that a quick claim would be added into the dredge lease. This was done - I paid the money. The dredging lease has not yet been signed because I objected to further things that were put into the agreement which had not been agreed to in Executive-Council. So I wish to go on record as stating that the swamp land issue was raised by myself in trying to protect my investment, because I did not want an additional fight over it - it was not from the point of admitting that the land was government's,because I, again took the Administrator at that time with certain members of Government and went to the shores of the North Sound, and I could go into a long story and tell you what was said at that meeting, but I will not do so. The press has already carried some of it and it was retorted by one of the members respectively who, when I called him, had to admit that he was wrong and I was right, but I do not like to just continue an argument in the press, so I have not pursued it any further. I think the best thing to do with it is to let is lie. So I want to put that one thing behind before I go any further.

A point to deal on the point of dry land. Mention was made by a member about this part that in the law it only deals with the word "land" and not "dry land" but, Mr.President, the land being claimed is being claimed under local custom which means that under local custom any land on both sides with the land considered" means on cliff in between has been divided between the owners. I know it is not defined in the law as dry land, but the point that I make is that Government has no dry land. If they are going to claim under local custom they cannot claim under local custom, because local custom means dry land on both sides of the swamp of cliff. Government has no dry land under the terms of which they challenged the Western end under the North Sound.

A point was raised by a member about a British Colony . I am thankful this is a British Colony, Mr.President, I am glad to say we be considered British. But let me make myself completely clear, there is no one in this Chamber that has the difficulty in trying to prove his allegiance that I have had, as I think I can speak with a bit of authority in this peculiar subject. First of all,

MR. JAMES M.BODDEN (CONTINUED) I am a Caymanian, my first loyalty, regardless of which way it is interpreted , must be to the land of my birth, which is Grand Cayman. I respect and admire the English Crown, but my first loyalty is to my own local land,and I never will do anything that will be detrimental to my country. I have too much at stake, personally, and I feel very much that what my forefathers fought for in this country, I should also fight for and should give my life, if necessary to protect it. And I have children and grandchildren coming behind me, Mr.President, and I do not want for them to live in a land of council or a land with a dictatorship that some of these Members think that is what I am after. I consider myself as loyal as any Member of this House, but by being loyal that doesn't mean that I am going to tolerate something that I think is wrong.

Referring to the particular law; the Land Adjudication Law, section 17 (1)- Law Member brought this one yesterday it requires it to be (1) and (2). In my opinion a judgment under this law should only be given by reading the two together in unison. (1) (2) says that a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself his agent, servant, actually uses or has used the land to the exclusion of the public, provided that where it is established whether by local custom or otherwise that any parcel of land includes a marsh or swamp or cliff land (competitor or use of the other areas of such parcel shall be deemed to apply possession of the swamp or cliff land also. Said documentary title means the title evidenced by instruments which severally that the person is entitled to the land in fee simple and includes a grant, conveyance, assignment, mortgage or other good kind of title which is more than 12 years old.

In defining possession here, Mr.President, and occupation, the law does not state that if you use one acre of land on which you are occupying it that you could not, through that same document, own another 200 acres. The law does not say that - it says if you own and occupy that area and you claim the rest of it you can get title through that by considering your occupation of that small piece. It also says under documentary evidence that your documentary title must be of good root and be only 12 years of age. It doesn't say 50, it doesn't say fifty, that is the point, Mr. President, in which this law actually pushed this House, was because of the reduction from 20 years for a good title to 12 years for a good title. The law further provides, Mr.President, that a preferential title can be given for less than 12 years of documentary evidence and I am wondering why that is, in cases of this swamp land. They claim is years' documentary title should not be given, why is it then that the people were not given provisional title, like was given to other areas of the Islands? There is a big loop-hole here, Mr.President, and it needs to be attended to.

The Member, Mr.President, spoke about being surprised to hear the word 'stealing' coming from the Legislative Assembly and that it runs away investors. Mr.President, I believe in calling a word what I think the meaning is behind it and I would not wish to demean this Government in any respect, but let me be quite frank, if any other word can be used for this, like appropriate, or anything else, I'll go along with using it, but let's be frank about one thing, it has been gotten in a manner in which it should not have been gotten. Regardless of what word we want to put to it, it is still that fact, and, Mr.President, I do not want to run away investors, I think I have come here in the four years I have been part in this country in trying to get stable investment in this country and investing every penny - would lay my own hands on to see that the country grew, and I would be very much of a fool to try to do that when my complete livelihood depends on it.

MR. JAMES M.BROOKS (CONTINUING): These members talk rashly. They talk, I think, in many cases, just to hear themselves talk, because they do not understand the implications of what they are saying.

Reference was made to this land being in trust for the people of this island. Mr.President, I voiced my feelings at the beginning of this debate as what I considered about that point, because the records do prove what has happened to the part of the land in this island that was supposed to be in trust for the people and how much good the people actually got from it. If the man on the street, IF the people of this Island were getting some good from this I believe then I would support it, Mr.President, but Mr.President, that is not the case. If we were to sell the swamp land which Government claims today has by its books on there to five million dollars, it would go into some contracts, like it has gone in contracts in the past, and the little man in the street, if that's what we are protecting, would be getting very little out of some from it. So, let's not delude ourselves what we talk about in trust for the people of these Islands.

Reference was made by a Member that a hundred pounds a year rental was plenty of money, eighteen years ago, or roughly eighteen years ago. Mr.President, I also know the value of money and how it fluctuates and everything else, and no one can tell me that it is actually the land that was disposed of on the seven mile beach eighteen or twenty years ago that one hundred pounds a year over at that time, was any great pile of money. So don't kid ourselves - you may tell us that it helped the economy - you may tell us it helped the economy, but don't tell us that a hundred pounds was a lot of money those days, because it was not, it still isn't.

One Member spoke that there had only been .05 per cent of appeals on certain areas against the workings of the Government system. This may be quite true, Mr.President, because, being very frank, there would not be many ways that we could find out or challenge that whether it is correct or not, but I would like to point out one thing, that at the beginning it was shown that this was the thing that was going to really put this Island on its feet. We were going to have enjoyable days that had never been experienced here before. This, in one thing, defeats the argument completely because it proves then that there was not as much friction here in land dealings as they tried to make us believe there was, if only .05 per cent of the claims that were adjudicated had to go before an appeals tribunal. That strengthens the very argument that we are putting down from this side of the House, if those figures are correct.

We also have to realise another thing, there, Mr.President, a lot of these claims do not go to an appeal, because some people believe what is the good of appealing from Caesar unto Caesar and this is the manner the law is set up. The next thing is the price of land does not have the value today in many cases that it had years ago. The people cannot find the money in many cases to fight these claims. It is good enough to tell a person you are giving him the right of appeal, but Mr.President, if he doesn't have the money to fight that appeal, what is the use of it going in the law?

We do not have, like in some other countries, the Law Society that will protect the citizens of people freely, this does not happen in our country, so Mr.President, it is all right and good to say that you have put into the law certain steps which govern appeal but if a person does not have the money to finance that appeal, the right might as well never be there.

Reference was made by a Member, taking objection to what I said about the adjectives or baloney tacked and feathered, and Mr.President, I will inform myself that that may be a dig against the

MR. JAMES MACKAY (CONTINUED) the standing orders of this House. But it should be understood and it would be very difficult for me to withdraw it.

Dr. Usher Member says that we claim to be law-abiding, but we see actions and hear statements that sport differently. This particular Member seems to be motivating from the disillusionment that unless everybody agrees with his point of view, everybody else is wrong, and , Mr.Speaker, the day that ever comes that you will find fifteen members in this Assembly that think alike on every issue then it is time that I hope you as President of this Assembly, would abolish it, because that is not human nature. That is not what happens in the World. That's a fine story to have different interpretations, different ideas, that is why we have courts of law - that is why any case goes before the courts there is always two sides to it. So, Mr.Speaker, this Member should try to keep his tongue in check a little bit better.

Mention was made of people claiming under squatters on the south to the north of these lands and why Government told them, leave them alone. Mr.Speaker, the matter referred to herein this case has always been that the every, in claiming ownership to it on the north could side of the Islands, was claimed by the dry land owner on the south side of it, claiming North. I remember when the adjudication Court came into session here and they told the people, don't clear any of your swamps we will consecrate them for you. There wasn't anything, Mr.Speaker, about harvesting mahogany, because that has not been an accepted custom, so the Member again should not try to deceive this House by telling people in this House that the owners the cadastral dealt with it in this manner why because you had claims coming against Government , which which, that is not correct, Sir.

Mention has made by the same Member that the Mosquito Law was not relevant to the East end of the Island. Because no notices had yet been given. I submit, again that that is incorrect, because the law on the Ordinance law governing the swamps of this Island encompasses, in my opinion, the entire swamp-land area of the Islands. It was put just for the western end of the Island that particular law was made into effect, and I think it makes a good case for us when we consider that Government did acknowledge private ownership to the swamp by publishing these notices, and advising the people who claimed the land, that they could cut their boundaries to the swamp. It is true this notice may not have been extended to the eastern end of the Islands, because as my colleague said this morning, the western end of the Island really starts at Red Bay. So, nothing much has ever been done on the other end of the Islands, so its quite reasonable - no roads were built there - no buildings worked on there, reclaiming land and building a road-way system across the back of it. But if we were going to claim, why didn't we claim then? Because Government has spent a lot of money in there, this is what I don't understand.

We've heard a statement made that the claimants to this land came in only lately to grab areas land after they realised the commercial value of it. Again, Mr.Speaker, quite an inaccurate statement because over years and years people had claimed this land - this is nothing new, Sir. It is not because it only had value today, the people did not forfeit their rights to this, Sir, years ago. I submit that the argument is the other way around, that the only time Government realised this. Only now have given ownership to it, has been lately, is why to destroy the case of the cadastral system - and to realise that this swamp land was valuable.

Reference was made to our submission about the 1913 title with it being 52 years of age. I stand very much on that particular one, Mr.Speaker, because the ruling on it was that the document was ancient and ambiguous because it did not define the area involved, and did not have a map attached to it.

MR. JAMES KILGOUR (CONSERVATIVE) Look it's three days, Mr.President. It was very, very selfish anyone ever found a document that had a map attached to it. I think I have researched as many titles as anyone in this country and I don't think I have ever come across one that had a map attached to it, not even a hand-written, home-drawn map, Sir. So that is not the reason that it was objected to, and as far as the Government being compared with, this particular document was completely accurate, Sir, and was accepted in the findings of the adjudicator as being an accurate document other than being patent and ambiguous because it did not define the particular section. So the point that we take objection to is that the law did state plainly that documentary title of twelve years duration was enough to give an absolute title and this is not being done.

The same Member, I think, made reference to the Government taking the land away from people. I really did not expect to hear the member say something like that, because I did expect that his mind and his mouth would have been in better coordination. Its a very ridiculous statement.

I'd like to deal with the Western end of the Island at this time, Mr.President. Probably 2,000 acres of swamp land or more was adjudicated on the western end of the Island and we have heard an admission from the Member involved that there were only two challenges to claims, one for 9½ acres and one for 25 acres and that both of those at the present time are under appeal. So that meant that out of 2,000 acres only 250 were questioned - quite ridiculous when you take into consideration that for the western end of the Island you are probably talking about 10,000 acres of swamp land and Government's claim to it at the present time would probably amount to about 30,000 acres. Why the difference, Mr.President, if there has not been a change in policy? We are dealing, still with the same Island and if the people on the western end of the Island could get their land without it being challenged, why are you challenging the Midland and the eastern districts?

The same Member also said that the motion should be thrown out. Mr.President, this again is no surprise to my colleagues and myself, because we knew before we even tabled this motion that it would be thrown out. We know its impossible to get a motion through this House that Executive Council does not agree with, because the Constitution, Mr.President, has made that so. We have a collective vote of seven people and those seven people are always able like a fisherman with a net to throw the net and get the tentacles of support coming into it, so, Mr.President, that is not a surprise to us. We always know that - we live with that every day. We can only hope that eventually it may change.

Now, Mr.President, I have to come to a part of my debate which I do not like to really get on, but I feel I truthfully cannot stand here and take the type of criticism and abuse that was levelled from the other side of the House and this side of the House yesterday. I have to make it quite plain I've always lived my life on the one philosophy and that is more or less, not to let your right hand know what your left hand does. Today I am going to break that just a little bit, Mr.President, with the permission of this House. A Member made the remark several times yesterday that the only reason my colleague and myself brought this motion was for personal reasons and for personal legislation. I am going to deal with this, Mr.President, quite bravely. I'll give any man the shirt off my back, but there is no man living until he kills me will take one hair of my head, unless I want him to do it. That is the way I live. It might not be a popular way, but its what I believe in.

Mr.President, I feel I can speak on this subject because I truthfully believe, and I am not touting my horn, I don't have to do that when I say this but I don't think there is any man in this country has ever done for his country and

MR. JAMES MACBRIDE (CONTINUED) his telephone what I have done for mine. And I would never come into this House to ever try to do anything, Mr.President, that would be for my personal gain. The people of Nova Scotia have come before this House that I had interest in and I got up like a man and explained it to this House that I had a pecuniary interest and could not vote - I will continue to do that - that is the way on which I base my life.

Mr.President, I do not like to talk again about the things that I may do because I believe in the old philosophy "cast thy bread upon the waters and one day it will return to you". But I am going to show this as an illustration to show this House why the personal legislation could not affect me, Sir. The piece of land that I own in this particular area is three hundred and forty-five acres, I am presently having through the Cadastral Survey about 45 acres - that doesn't mean I am accepting it, because I will take this to England if I have to get the money on the street like a beggar to fight the case. But, Mr.President, that 150 acres would possibly be worth on the market $75,000 and I owned a half of that company. Half of the issued shares are mine, that would mean I would get $37,500. Mr.President, many years ago, before you came here, I made a legislative offer and it would have stood if Cumberland had accepted it, of 10 acres of land to build a hospital on - free - no money. Which is 10 acres of land, Mr. President, since that time I have sold some of that for $25,000 (US) per acre. So you figure that. That would have given me $325,000 and then you tell me I am going to come in here and fight for $37,500 - no, Sir.

I offered this country the land for a cemetery - it was not accepted. Why else has done it, Sir ? I offered them the first down here which has been a controversial subject - that wasn't wrought widow. I could go on and tell you many more.

Mr.President, I personally have made a lot of money in this country and I am proud to say I have made it. I have made it because I am a professional. I have made it because I could sell anything that I am selling - I could sell ice to the Eskimos because I am a professional. That's one of the things, I think, that irks those people.

But in making my money, Mr.President, I have never kept it for my own personal gain, either. I can tell this House and I can back it up. What I have given away in the last 8 years way over half a million dollars in this country, Mr.President, in cash, and I am proud that I was able to do it. I don't tell me that I come in here for personal reasons look around this country, Mr.President, and see over a hundred kids that I have helped to be educated, some of them today with bachelor degrees, some with masters - I didn't do it for anything, Sir, personal gain, I did it because I did not have the opportunity to do it when I was growing up and I feel any man living in a country should put something back into it - that's why I have done it, Mr.President. Not ashamed of it one bit, although today I don't have the money that I could continue to do it. But let me tell this House one thing, regardless of what happens to Jim Muldoon in the future, Jim Muldoon will always make money and he doesn't have to come into this Assembly to do it, because I am a professional, what some of these will never be.

I'll just point out, further, Mr.President the first check that was ever issued from this Assembly to myself was in the amount of $23.65 - it is framed and hanging on the walls at my home - it will be the only check that will never clear the banks of this Island and that is the only check that has ever been issued to Jim Muldoon since he has been in this House and by God's help, if I stay here one hundred years more. If I had to beg on the streets I would never accept a penny from my Government, because that is as much as I can do for it is to come here and represent my people

MR. JAMES M.BODDEN (CAYMAN BRAC): Sure. I don't want to diminish those things but I just want that group over there and this here to know the kind of man I am. I'm not some in here looking for any personal gain and may God strike me dead the day I went through that door with that intention in my mind, Mr.President. I hate to hear this kind of talk. But I put it down to lack of mentality.

We have heard it said, Mr.President, that this is a Government of the people by the people. that was said by a Member yesterday and I want to take the time of the House one minute to explain what my colleague and myself have said on this House on many occasions that this is a Government of the people, by 22.9708 per cent of the registered voters of this country and I am now going to explain what I mean, Mr.President. What they, in the last election Constituency had 1,900 registered voters, which amounts to three seats with 1,773 votes. The Member of Executive Council from that District had 573 votes, or 32.97 per cent of the votes cast. George Town had 14.04 registered voters with 4 representatives totalling 5,802 votes. The Member who represents this district had not or 29.37 per cent of the votes cast. Cayman Brac has 755 registered voters with 2 seats, 516 votes. The Member got 307 votes, percentage of the votes cast 41.08 per cent. Bodden Town has 544 registered voters, 2 seats 1021 votes. North Side 306 votes, 1 seat. East End 443 votes, 1 seat. The Member received 328 votes or 58.79 per cent of the votes cast. We add this altogether, Mr.President and we find that the Island had 13,414 votes in the last election. The Members of Executive Council combined had 1,773 of them and you can work it out - you dont need a calculator to do it - it works out to 12.8708 per cent of the registered voters in this country so don't tell me that this is a nation that is governed by the elected representatives by the vote of the people, because it is not. Don't where the figures came from, and you can work them out for yourself.

One Member also said that the majority of problems we experience in this House are personal problems. I don't know what the Member was trying to insinuate by that but if I have not made myself clear before let me make it unmistakably clear at this time - Hear Jim Bodden and his person like me men that cannot be bought. Mr.President, England does not have the reputation that Jim Bodden craves - it means nothing to me. The M.B.E., C.B.E., O.B.E.'s, or whatever you want to call it, they don't mean anything to me. There's only one decoration that England has that I would ever take for and I hope we never have to get it and that would be in the case of war that I could give my life and get the V.C., the rest of it - it doesn't mean anything to me, Sir. And I'll tell you this, Sir, the O.B.E.'s the C.B.E.'s don't mean anything to me. You cannot tempt me with that, Sir, neither can you tempt me with Cayman Islands seat, (Unsworn - Laughter). So I want these two Members to understand that and I want this House to understand that today. There is nothing you tempt me with, not in that form. It takes more than even Ireland post to change Jim Bodden.

Another Member also made a very rash statement that it is close to election time and that this is a movement to bring this Island's Government down. Mr.President, I think the thing that Member needs to do is to explain to the people that put him here why he is here.....

MR.PRESIDENT: I think that is getting a bit personal.

MR. JAMES M.BODDEN: I abide by your ruling, Sir. But let me explain one thing, my colleague and myself do not have to worry about this election, because we represent our people because we work for, not because we are looking for personal gain and I can tell you we have the support of the people in our districts - I hope that the other members have the same support in theirs - they are the ones who have to worry about the election time, notice, Sir. The only thing we are asking out of this meeting is that we get fair play. What is good for [illegible] good for all. We are not

MR. JAMES MACDONALD (Continued) asking to change anything other than what they have changed - give us the same thing that was given the Southern end of the Island - once that is done, we will shut up.

A Member spoke the reference about deep water running inland on the North Sound here - I don't know what part of the Island that is. I think again I know as much about the North Sound as any one - I operated boats in there for years - and I operated them myself, too. I don't know where those areas are where all this water that runs inland is, because I haven't found it.

They also talk about the mangroves growing in the salt water - I want to explain to this House, Mr.President, that if that is how we are going to determine Government's claim, Government's claim is going to be nil, because you can go in the North Sound today, and you can put a dredge to work and you can pump up salt water on that coast, Mr.Speaker, and I will bet this House that in three months' time every tree around that area that salt water was pumped around is dead. Now if that is an area that is conducive to plant life growing in so much salt water, why is it when you dump the salt water around it then that they die? I am waiting for someone to explain that to me.

If the Members of this House, Sir, would admit to their ignorance, they would know that what we are asking for is correct - they would know that we are only asking for the proper implementation of a law that was passed in this House and which was supposed to be good for everybody - which was supposed to show no favouritism. That is the only thing we are asking for.

Another Member spoke about his experiences on the North Sound in getting the bottom cleaned of sand, in the Duck Pond area. Mr.President, I also know a little bit about that also. There is a little bay offshore where the boats used to be screened - the remains of the ballast rock and so forth are still in that particular spot now - I don't think anyone disputed it - everybody acknowledged that was Government's, but the land across from that again, Mr.President, where some of the boats used to screen is a part of the Grand Cayman Estates today, that was type of land and they can't, or the Members should never have subscribed that was because again this quickened their appetites and everything more.

I think the same member also said that people should be satisfied with what Government sees fit to give them. Again, Mr.President, something quite inaccurate, the people are not asking Government to give them anything - the people are asking for their just right - what they had - that is what the people want.

The Member also talked about this being a new thing, but in fact the Minutes of this House have shown that there was established local custom and that the dry land owner's half of the swamp and not the high water, the high water mark has never been considered as a part of local custom to derive title from.

I have one explanation further to make and I am of the opinion that in the figures I brought out while ago, Mr.President, and I brought them out this reason also - that this motion is of such permanent importance to the people of this country as the electorate as a whole, that only the elected members of this House should be allowed to vote action. Only the people who are responsible directly to the electorate out there should vote, that is the way I think it should be. May be you feel so I am wrong.

I want to deal with the North Sound Reclamation. The very name of that, Mr.President, tells us what was the intention. It was not that Government was giving away 3,000 acres of swamp land, it says "reclamation" and here, in case some of the Members that were talking about the Little Black Book have not seen the Little Black Book, here is the Little Black

MR. JAMES M.BODDEN (Cayman Brac) Back and here are the maps for it. And Mr.Speaker, these maps reflect just what the name of the Company was "reclamation" because most of that land pictured there for development is land submerged with six feet of water over it in the North Sound today - that's where the three thousand acres could have probably come from. - They wouldn't tell you that - they wouldn't also say that this plan that was put before the House also included all of the land which we now know of as Cayman Kai and Rum Point, and that was private land, Mr.President. This was an artist's conception and this land here that the Government was leasing to it was marshal land, more than it was land that was on the coast, Mr.President, and here are the maps, anyone can see them, I am sure the experts who had the fiddle flown down knows what is in it, if he'll tell the truth.

We know that this motion is doomed to failure, Mr.President, but we give notice today, my colleagues and myself, that God's willing, if we are alive and in this House, the first sitting after the 20th of June , 1978, the motion will be back on the floor. So we give six months' notice.

One Member made the statement about the wise and the fool with an abundance of words and four weeks, Mr. President, I submit to you that those members it would not take four weeks to convince them that they are fools, but four millenniums! And I'll leave them with this saying "are great in number are the little-minded men", (MEMBERS - LAUGHTER).

We have heard that local custom differs - that is true, Mr.President, there has been and I am proud to say a difference in local custom because Cayman Brac and Grand Cayman. I can remember from the time I was two years old and I can remember a lot being said to me,and I hate to inject this, because I am one that does not believe anything at all in racism, but I have heard it from the time I was knee-high to a grass-hopper that Cayman Islanders would not drink milk from a black cow, would not eat eggs from a black hen (MEMBERS - LAUGHTER), so there has been a difference in custom, Mr.President, there has been a difference in market and I am proud that it was that way. So don't try to get the best of me by telling me those things because I always know the other side of it too.

Mention was made of certain Members seeing the Island by the MRCC helicopter - I must admit my colleague Mr. Tyrell did not take advantage of that, and after hearing him speak I am very glad he did not, because, Mr.President, I am still trying to wonder where they took him, because the part of the Island that he spoke about I believe their compass must have gone astray and it would have gone further astray if it had taken my colleague and myself, because they probably wouldn't have brought us back at all. (MEMBERS - LAUGHTER) So I am glad we didn't take that trip with you.

Now, I have to allude to a point made by the Second Official Member that he saw this motion largely as a political motive. I can play politics, Mr.President, with the best of them but I do not want to play politics with the Official side of Government and they should not try to play it with me. I'll leave it at that. But he did say, or tried to point out his meaning behind the statement of unclaimed and unoccupied. I must lead again to comment on that, Mr.President, because what he did explain, that once a claim was made it would not be dumped in the Crown Land, only strengthens our case, so I can't know why he brought that up.

One Member spoke and said that the Assembly was being used as an appellate tribunal - this is incorrect. I want to state in this Chamber and I want anyone that can refute it to try to change it, that the only way a law can be made or a law can be changed is through this Legislative Assembly, so we were correct in bringing it here, we were not trying to use this as an appellate tribunal - we were trying to do what the enactments are in the law - we were trying to change the law the way it should be changed , through the Legislative Assembly.

MR. JAMES MICHAEL (CONTINUING): So this is what these people are talking when they start this kind of stuff.

Section 20 of this Law, Mr.President, and I'll read it to the House -

> "The Administrator in Council may make regulations for the purpose of carrying into effect the provisions and purposes of this Law"

provisions and purposes of this Law are covered under regulations and our motion was correct in stating that. We are not departing from the Law, we are only asking that the Law be put into effect, be implemented fairly and it is covered under section 20 of the Law, Sir, regardless of how they try to read it.

One Member said something about the need to feel superior is displayed by only a limited few, because they need to be appreciated. Mr.President, I don't/it this was a reference to my colleague and myself but let me say this, we don't have to. Being noticed in this House is bad important. We are not trying to put ourselves up as superior - we are only doing what our conscience dictates and what our conscience tells us is correct. But I wonder whether these people do that and make these past statements because they themselves have never been able to accomplish anything. I wonder, Mr.President.

Mr.President, I would like to go on but we have another matter and I would not like to have to come back Monday. God's willing, so I am going to close my debate. I would like to go on for a month, because by that time may be I could take the blinds off of some of these people, but anyhow, Mr. President, let me continue by saying that the only thing our motion is asking is fair play - give us what you have given the others and we will be satisfied. Until you do that we will be back in here again, Thank you, Sir.

MR.PRESIDENT: The question is -

> "Whereas people in the eastern districts of the Island have become dissatisfied with the manner in which we called many land that been consecrated and given to the Crown by the cadastral system
> AS IT IS RESOLVED that the southern section of the Island the sandy lands is treated as in other areas already dispersed and given to lawful owners and Government refrain from claiming same
> BE IT FURTHER RESOLVED that the same system be adopted as in other areas consecration be given to the cadastral team and if necessary the law changed to incorporate these instructions that Government only owns what by common law is considered high water mark".

I shall put the question - Will those in favour of this motion please say Aye.

SOME MEMBERS: Aye.

MR.PRESIDENT: Those against - No:

SOME MEMBERS: No.

MR.PRESIDENT: I think the Noes have it.

MR. JAMES MICHAEL: Could we have a division, Sir?

_ Division

AYES

Hon.D.V.Mutley
Hon.C.B.Washington
Hon.V.G.Johnson
Hon.A.T.Hunt
Hon. T.Foster
Hon.B.H.Easton
Hon. M.M.Crosby
Mr. John Jefferson

Miss Annie M.Bodden
Mr. Jonas M.Bodden
Mr.Ellery Tibbetts

3

3

DIVISION: MR.I.W.FRASER.JR

MR.PRESIDENT: The results of the Division - Ayes 3 Noes 3 and one vacancy declared. So that the motion is defeated by 8 votes to 3.

MOTION DEFEATED

PRIVATE MEMBER'S MOTION (b) NEWS IN QUESTION RE CAYMAN AIRWAYS LIMITED

MR. G. HAIG BODDEN: Mr.President, Honourable Members, if it were not for the great principle involved, I would withdraw the motion before the House, taking into consideration that we have been sitting for four weeks and we do not want to come back Monday and there is very little time left today, I should really sit down. But the matter of parliamentary questions is an important part of the procedure in the House.

When questions were brought they should be answered as fully as possible....

HON.C.E.BROOKS: Mr.President, may I say a point of order at this stage, admit that this motion is new in respect of which there should be no debate. The rules as regards the forms 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 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, and I refer, Mr.President, to the Treatise to which I refer, Parliamentary Procedure the Eighteenth Procedure by Erskine May at page 424 in which it set out almost similarly to our Standing Order 25 the various questions which are not in order and may not be permitted. And under paragraph (d) it says this statement " It is not in order for a question to ask for action to deal with matters under the control of local or other statutory authorities, or of bodies or persons not responsible to the Government, such as banks, the Stock Exchange, Joint Stock Companies, employers' organizations and trades unions; or to ask for action regarding or information about the activities of such persons or bodies which Ministers have no power to restrain or obtain, and at page 428, Mr.President, in this statement ..." An answer to a question cannot be insisted upon if the answer be refused by a Minister and the Speaker has refused to allow supplementary questions in these circumstances".

Having regard to that, Mr.President, it is my submission that as we are bound by the practice of parliament and as the Minister or the Member responsible in this case has declined to answer these questions, and as we have no control over the internal affairs of Cayman Airways, it is my submission that no debate should be allowed on this motion because

HON.J.B.MADDISON (CONTINUING) the answers that were given by the Members should be taken as constituting part of the matter.

MR.PRESIDENT: I'd like to hear the mover of the motion's remarks on that submission before I take a submission.

HON. D. MAIO DOUGLAS: Mr.Speaker, the reference to Standing Order 75 cannot prevent our debating this motion. Because we only look to the House of Commons or Erskine May's if the matter is not covered by our Standing Orders and our Standing Orders cover questions which we would only refer to the practice in the House of Commons for stating that is not covered by our Standing Orders and questions are covered. But in many occasions in this Prime questions have been answered on this particular subject, so this House has set precedent for answering questions concerning this company and if this were a private company, he might be correct but this company is 51% owned by the Government and while shareholders, the major shareholder being the Government, has a right to query and furthermore, if the Member wanted to block this he should have come up when the question was put in and put on the Agenda. We are no longer dealing with the question, this is an Adjournment debate on the reply so I really don't know how the Member can search to stop the introduction of this.

However, having regard to a statement made by the Third Official Member in his reply to the Budget Speech, I would promise that if it is allowed by the Chair that I would not be going into the detail in this answer to the question sought by the Lady Member. The point I wanted to make was that questions, when brought to the House by Private Members should be answered in, at least, a polite manner. The reply which was given to an Honourable Member of this House was most impolite and insulting to the dignity of the Member, not only the Member brought it, but to any Member and this is an issue that we should settle now.

Of course, Mr.Speaker, the matter is in your hands and I personally, if it is put to a vote, will vote that there be a debate, but I trust that you will use your discretion and do whatever seems right, and I will remember that, although prevarication was not this morning, I will not also have regard for your ruling.

MR. SPEAKER: I am quite prepared to give a ruling from the Chair on this unless Members want it to go to a vote. There is a motion that has been put down under Standing Order 37, which states that "the reply to any question shall be conclusive and no speech or debate on the reply shall be allowed except by motion". The Honourable Mover of the motion gave notice that he would like to debate the reply and I allowed this to be put down on the Order Paper. I gave notice of this from the Chair, and despite the advice of the Honourable Second Official Member, I think I'd find it difficult to refuse such debate as I have allowed from the Chairman that the motion should be put down. This will not, of course, preclude the Honourable Member from quoting parliamentary practice as regards of the Motion. So if Members agree I would allow remarks from both sides of the House and then put the matter to the vote. This would not, of course, allow debate on the actual content of the Lady Member's question unless the motion is carried in the affirmative. So I'll take it that the Honourable Mover of the motion has finished his speech and he may continue.

MR. G. ERIC SOUEK Mr.President, every time you make a ruling in this House, I admire your judgment more.

I will not be going into the reply that should have been given to the individual questions - I'll make no mention of that and I will be very brief. . .

Parliamentary questions have, for the last two hundred and fifty years been a most important part of the procedure in parliament throughout the Commonwealth. The first parliamentary question was asked in 1721 in the House of Commons. Every since then the number of questions asked have increased until the 1969 session when there were 20,000 questions were asked in the House of Commons, an average of over 100 questions.perday. And in 1970 the average had gone to 175.

Private Members, or any member has the right to ask questions of the Members of Government responsible for certain Ministry, and when they ask a question they must receive courteous replies.

We are not disgruntled by some of the replies and it is very unfortunate that this motion to debate a reply had to come at this particular time. Government should welcome the opportunity to answer questions never-the-it,gives them an opportunity to elaborate on the policies of Government. In fact if they want a political platform, they would have a daily platform on which they could expound their policies.

I feel very much that there is some little resentment in the replies to questions. Apart from the written replies members are to ask supplementary questions and the Members seem to resent this a very much. The written reply has been prepared, possibly by a Civil Servant, and not as novel form a trial, but a supplementary question has to be answered on the spur of the moment, but the effectiveness of question time would be lost without the supplementary questions and we find that throughout the Commonwealth there is an increasingly larger number of supplementary questions asked.

In the reply, I take exception to only one part and that is saying that the question was brought to satisfy the curiosity of the member and I hope, Mr.President, that I will never again in this House, have to bring such a motion All I want to do is to make it clear to the House and to the Members of Government that when we bring questions we are only exercising a right that has been enshrined in Standing Way's or whatever authorities you what to quote. It is the duty of Members to seek information and it is also the duty of Government Members to reply.

I think I have made my point that we will not, in the future, tolerate impertinent answers. We must be respected, because we are not here by magic - we are not here by accident, we have been put here by the people who preferred us to other candidates who sought election and so long as we remain Members of Parliament we must be treated with due respect.

MR.PRESIDENT: Was the motion seconded at the start?

MISS ANNIE E.DOUGLAS: I seconded the motion.

Mr.President, I do not want to know the ramifications of the CAS - I do not need to ask questions to know all the ramifications of the CAS - I do not need to, but I think it was a most insulting answer that I received and I cannot credit my colleague from George Town - he was tutored by somebody to insult me.

I had it to put in this way Congress recently by view, but for his benefit I did not publish it, but I am most annoyed and upset that my colleague would have the impertinence, because they are not his words, don't you feel yourself, they are not his words.They are saying only , using tactics turning me against him, to get him out of the Executive Council - that's the whole thing

Miss Smith if Cayman Government holded it, and Mr.President, I am not particularly interested in companies generally, but this company is our company, and they should be ashamed to publish all what's going on - they should be ashamed of it - that's all I have to say. Thank you.

Hon.A.Bassett: Mr.President, Honourable Members, as the Member who answered this question, I accept full responsibility for what's the answer, make no mistake about that, but I don't know why the lady Member should have taken offence to the reply because as was said by the Mover of the Motion it is incorrect to say that the answer said to satisfy the curiosity of the Member - it said "to satisfy the curiosity of her country", not the Member.

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. They are 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 was 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, but what was in the question, I think, the very least part of it, was completely left out. Where the Member could get this information from, and the answer referred to the Honourable Member is recommended to seek the information direct from Cayman Airways, Nevertheless I don't think it would be proper, it would be a bad policy to my mind and Government, to divulge all the secrets of the internal workings of Cayman Airways to this House, because it could be most damaging to the company and I am sure that no Member here would want to know that this House did anything that would in any way affect the operations of Cayman Airways and by answering these questions I am of the firm belief that this could damage Cayman Airways, because there is competition in the Island against it, and it could divulge many secrets of the operations of Cayman Airways to the competitors. Thank you Sir.

Hon.V.Ebanks: Mr.President, Honourable Members, as Chairman of Cayman Airways I think I should say a word or two on this matter as well. First of all Cayman Airways, Limited is a locally incorporated company. It is an ordinary company and a public company. All its shares are fully issued. The shares are issued to the shareholders. The Government of the Cayman Islands and Local, in the division 51% to the Government of the Cayman Islands and 49% Local. There is a proposal to vary the shareholding but that has not yet been concluded, and therefore, Mr.President, the company is a public company. As far as the shareholders are concerned that's another matter.

What I would like to say is that Cayman Airways is a young airline, struggling to maintain an operation and a service within the Cayman Islands - it is struggling against competition - its struggling against, well, interference in many respects - statements in the press, statements around, questions in the House. I know, Mr.President, that Members of the Legislative Assembly have the authority to question the operation of Cayman Airways because of Government's interest in it, but that interest is well known to the Board of Directors and a report is made to the Legislative Assembly annually when the Audited Accounts are presented. I think it is at this time that questions should be raised, but again questions should be carefully framed, because the

HON.V.B.EXPOSED [CONTINUING] airline business is a very competitive business. If one is not careful it will prejudice the airline, if statements are made on any part of the operation is revealed to other operators. For instance if one tried to/ [illegible] details of the internal operations of the Company and this information goes into the hands of other operators, they will use it in their competition against the company, and this in itself will be damaging. [illegible]

In debating the Budget Address members raised the question as to why I did not mention Cayman Airways in the Budget Address and I deliberately did not do so because I didn't want to make the statement which I made in reply to the debate on the Budget Address. I didn't realise that the press was listening and that this would have come in the press. The statement that appeared in the press DO not do the Airline any good, I think, first of all it sort of demoralised the staff to some extent, prejudiced the company's position against its creditors and I think it prejudiced the company's position even against future bookings These are the sort of damages that are done to the company's operations when too much is said about the company and these are published publicly. I think in a case like this if the Assembly wants to debate the affairs of the company it should, perhaps, be done behind closed doors and it should not be done in public where it can get in the news and where it can be published widely.

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. If the Airline is to succeed and if it is to get out of its present difficulties this is the manner in which it will have to conduct its business.

Asking series of questions in this House, Mr.President, even as those that have been posed here are things that will get into the press. I really don't see the need for it and a Member of the House wrote to me quite recently after the Accounts (last year's accounts) were tabled in this House submitted a series of questions on the accounts and I spent time in trying to get the answers - I even went to Costa Rica - to the officers, Board and subsidiaries to try and get all the answers, prepared them carefully and sent them back to the Member. All the information that was possible to be gathered was gathered and forwarded to the Member and I am sure that any other Member of this House who wishes to have information on the operation of Cayman Airways could send and request the information in the same manner. I don't think there is need really to pose all these questions in the House and to make the Daily Bulletin public - it does the airline no good, I can tell you that, and if we can avoid it in future I would ask this House to kindly do so. Thank you, Sir.

MR.JOHN D. JEFFERSON: Mr.President, I missed the winding up of the Budget Address which the Honourable Financial Secretary did and when I read the front page of last week's paper, I tell you I was incredibly upset, so upset that I called the Manager of Cayman Airways and asked if he had given permission for that to be printed.

I feel that if Cayman Airways is having difficulties, like a lot of other companies have had this year, I don't believe that actually there is any Member in this Chamber that would want to see Cayman Airways fail, and I believe 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 should meet behind doors and discuss these problems, because I am assured that they could do Cayman Airways no good - last week's publication.

Let's say that Cayman Airways' debts totalled $50,000 and if I were one that Cayman Airways owed, having read last week's paper, I would be down on Cayman Airways for payment and certainly when you stop to think of the competition

MR. JOHN S. MCTAGGART (CCHAIRMAN): which Cayman Airways owns, I believe that this type of publication and information is most damaging to the national carrier of the Cayman Islands.

I believe that when we say, as the Honourable Member said, the support that has been given to Cayman Airways this year by the citizens of this territory, we ought to think the esteem in which the airline is held, and in nothing that would damage its standing or damage its chance of fair competition with the other carriers.

I certainly subscribe to the necessity of information, Mr.President, but as Caucus I am concerned, a lot of information such as this, I am sure that Members got up there and say you never come to my office. This couldn't be said about me. I am sure that I have been in the office of every Member on the Executive Council, asking for information about various things and I don say this I have never been refused and I feel, Mr.President, Cayman Airways is a limited liability company, even though the Cayman Islands Government owns it - I don't feel that we should be divulging, as the internal affairs of the company should be divulged publicly and what is said in this Chamber, let's make no mistake about it, is public knowledge.

And I think what we have to be very careful about, and I say this very kindly, because I believe every Member in this Chamber wants what the success of this airline, that we have to be very, very careful in the future. I can't see what you could say here today that do it any more damage than what was done last week - I must be honest with you. When a statement was made in the press that the debts or the liabilities of the company - I don't what else you could say that could be more damaging - there's nothing else you could say that could be more damaging, as far as I am concerned, there's nothing else you could say that could be more damaging than what was said.

I would hope in the future that matters such as this could be dealt with behind doors, because the success of the Cayman Airways, as far as I am concerned, if its was to fail it would be a terrible blow at the prestige of this government and the surprise to which this organization tries to provide. Thank you very much.

MR. JAMES MCCOLEAN: Mr.President, in speaking on this motion, I'd like to say that what brought this motion about was nonetheless the manner in which questions placed by the House are sometimes answered to where it's an old story of sending the fool a little bit further.

My colleague and myself, Sir, do not want to do anything that would hurt this Government or hurt particularly Cayman Airways. We have questioned certain things in the past about Cayman Airlines but we are willing to support any measure within the terms of this Government to keep Cayman Airlines in flight. We figure that it is a prestige thing for us, and it has put our island on the map in many ways, and whatever sacrifice has to be made should be made. We are not doing it for anyone, Sir, in any manner, regarding the Company. We only wish to make it plain that we figure this Assembly can question it, although it's a limited liability company, because the stockholders are the people of the Cayman Islands who own 49% of this company and we are the representatives which are the people at this Island.

One thing that bothers me a bit on this Mr.President, that you have made a ruling that this would have been debated. My colleague and myself have agreed to withdraw this motion and we are still in favour of withdrawing the motion, I think, but the Honourable Senior Official Member, having more experience than

MR. JAMES M.BODDEN (Interjecting) ourselves could have said to you before hand or said to us that it would have been appropriate for this to have been withdrawn and we would have agreed.

These things are better dealt with in private than airing let's say dirty linen in the open here and I would hope that in the future just a little bit more respect would be shown to the Members in this side of the House, not just because we are not legal graduates.....

MR.PRESIDENT: I dont think the Honourable Member should take the Attorney-General's intervention as disrespect. I mean it was simply legal advice given before the motion was introduced.

MR. JAMES M.BODDEN: Yes, Sir. I do not/it as an affront in one sense, I was just saying that I thought he might have mentioned it to you and put us in that position it to us if he didn't want us to do it personally and we would have agreed, as we had agreed already to withdraw this motion. But I would like to also quote Erskine May's on page 370, and it says that "supplementary questions without notice may within due limits be addressed to them which are necessary for the elucidation of the answers that they have given", in other words Erskine May is also saying that when a question is asked it should be answered in such a way that the person asking that question can derive the correct answer, Sir. Thank you.

HON.G.S.WALKER: Mr.President , I am rather glad in a way that this debate has been allowed, because I think it is quite clear from the parliamentary practice of the House of Commons that this is a question which need not be answered by the Member. Cayman Airways, as the Honourable Third Official Member pointed out is a private company owned by the shareholders, and notwithstanding the fact that the Government of the Cayman Islands is one shareholder , it is nonetheless a private company under the Registration of the Companies Law here , and the Member,as such has no right whatever to interfere in the internal affairs of the company , and he was perfectly within his rights in refusing to answer the question, and one thing that I am glad that this debate and I hope that this debate will settle for once and for all is that no such further questions should be permitted in this House.

MR. JAMES M.BODDEN: Mr.President, I don't know whether I am out of order,or not, but I think the Member just standing has also spoken twice...

MR.PRESIDENT: No, the first time the Honourable Member rose was on a point of order. I think the Member replying might have the Honourable Member's point.

HON. JOHNSON G.EBANKS: Mr.President, I didn't 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, 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, and if any company or shareholder does want to go and get any information as and when he wants it - he goes to the registered office of the company - he doesn't go and put in this Question and Answer and get about it, and the Member responsible for Communications and there as has been pointed out, is not even on the Board of Cayman Airways, he is not responsible for the internal management of the Company.

MRS. TRUMAN O.BODDEN (CONTINUED) Government whether it is wisdom, or if some people want to call it folly, has increased its allotted number of people to the Board of Directors, they must. Even at an annual meeting of the company it might be argued that the flow of privilege to Government might cease and I think it is customary for the Member in charge of Communications and Works to attend the Annual General meetings of the company, which is, I think, reasonable. But - I don't think that it should be implied that because we are shareholders in an operation that we can apply the laws of the Bodies and Executive here. We are bound by the laws - that company is operated as any other company, that is my view and I do not feel that the Member was out of place in refusing to answer the question. I think he was perfectly in order and I think he gave valid reasons why he should not answer the question and it was consistent with precedents that had been taken before. And I would hope that we are not going away with the impression that because we are shareholders in Cayman Airways that that gives this House the prerogative to discuss publicly on this floor the internal operations of the Company. Thank you, Sir.

MR. W.MARK BODDEN I feel so sorry for the Member who just spoke - he seems to have been asleep during the airline debate, or he would have heard that it has been done before in this House, questions have been asked and answered on his named liability company. But I am not going to argue with him, because when I started out I promised you that I would not take issue with the details of the dialogue of Cayman Airways. My contention is that a Member of this House was rudely insulted (Hear! Hear!) by an impertinent reply from a Government Member.

Both the Second Official Member and the Honourable Member for Health and Education are late in finding out that this is a Limited Liability Company and that we shouldn't have questions here. Some questions have been asked and answered on this particular subject than any other subject, but I am not going to delete Cayman Airways. I just want to deal with the matter of question time and its importance so that we don't have a recurrence of this, and that when questions are asked they are answered in a polite manner and that when supplementary questions are asked that they are also answered in a polite manner as befits the dignity of this Chamber.

It is my hope that when broadcasting becomes a reality that question time in this House will be aired - it would provide extremely good material for listening.

This motion is not brought casually because of Cayman Airways, it would have been brought about any subject. It was brought because of the style and the contents of the reply, and as such because it was Cayman Airways, so many Members have missed the essence of this entire action. The motion only intends to preserve the rights of our Members to ask questions and to receive replies.

I am also surprised to hear that a certain Member visits the offices of the Government Members - he just visits them quite frequently....

MR. JOHN D. JEFFERSON: I am wondering what the Member is saying to impose, Mr.President? I think it is high time that we point to the rules of parliament and I absolutely am against any such statement being made. I think it is better to make them have to go to the office and find that information out than to stand here and ask them just as the public can ask questions.

MR. G. VASU BABU (CONTINUED): Mr. President, the Member himself said that he visits the offices quite frequently - if I could play back the tape - I have it down here his exact words. He visits the offices quite frequently and he also said he has never been refused....

MR. JOHN D'SOUZA (interrupting): Certainly you were refused - he has never gone.....

MR. G. VASU BABU (CONTINUED): That is true. I could say I have never been refused either. But I don't mean anything bad when I say that he visits them frequently - he said so himself.

The time and money spent in answering questions represents good value for the taxpayer's money. This is the only way that we will ever have good government, the very theme of questions/other modes Government function more efficiently.

I can't agree with the Member in saying that the notice concerning this particular issue or that of Cayman Airways should take place behind closed doors. Mr.President, I would really like to know about this subject and I have a list of request for the Chair and for the Managing Director and I like to have my promise that I will not be able to see the working of this company at this time but again, I must assert that I was totally dissatisfied with the manner in which this particular question was answered. The same could be said of other questions on this same sitting. Now, today takes history - it is the first time that we have had an adjournment debate on a question - it won't be the last, unless the policy of reply is changed.

MR. PRESIDENT: The question is -

Whether the reply given on the 5th of December, 1979 to the question concerning Cayman Airways, Limited was not specific in it revealed that Order Standing Order 27 Debate be allowed on the reply to the question.

HON.D.V.MILLER: Mr.President, is there really a motion to answer, because it is just a statement of fact that we would have a debate on this, but done it any what you are going to do?

MR.PRESIDENT: No, as far as I see it, if this motion is carried then a debate on the content of the question is then permissible.

HON.D.V.MILLER: Would that be clear. Mr.President, then another motion will be coming forward?

MR.G.VASU BABU: Mr.President, I am sure the motion will be carried, so I will withdraw it. I therefore beg leave of the House to withdraw this motion.

MR.JOHN D. MCLEAN: I wouldn't like to see it withdrawn, Mr. President I would like to see it brought to a vote myself.

HON.ARNOLD HUBBARD: Mr.President, as the one who was involved, I am quite prepared to let everything lie as is - I don't want to hear any argument on this one, which I sponsored from morning - like not that I put in power and not want to push it - I have always championed the cause and I intend to do so as long as I am in this House.

MR. JAMES RANKINE: Mr.President, I second the withdrawal.

MR.PRESIDENT: The question is that the motion, by leave of the House, be withdrawn. I shall put the question - will those in favour please say Aye.

MEMBERS: Aye.

MR.PRESIDENT: Those against No. The Ayes have it. The motion is by leave withdrawn.

THE MOTION WAS WITHDRAWN

ADJOURNMENT

HON.D.W.MATTEE: Mr. President and Honourable Members, I think Everyone will be glad now we have covered the end of the Order of the day and the Business of the House, and I therefore move that the House adjourn sine die.

HON.JOHN D.JEFFERSON: Mr.President, I like to speak.....

MR. PRESIDENT: We have a Seconder for the motion, I am afraid.

MR.J.N.FERRIGNAC: I second the motion.

MR.PRESIDENT: The motion is that this House do now adjourn.The question is open for debate.

MR.JOHN J. JEFFERSON: Mr.President, in view of the long and busy and hectic session I think I would like to say to the President and his family and Members of this Chamber my sincere wishes for them for an enjoyable, happy Merry Christmas and a happy coming New Year.

I think the fact that we stand here and debate, sometimes we see eye to eye, sometimes we don't, but this is our privilege under our democracy and I can assure every Member of this Chamber that when I leave here today I leave here with goodwill to all men and my sincere wishes for a happy and prosperous New Year.

HON.JOSEPH F.JOSEPH: Mr.President, and Members of this House I would like to thank you, Sir, for the way that you conduct these meetings so that peace prevails. You bring peace and goodwill to this House and I hope and pray and trust, Sir, that you will continue to preside us for many years to come, and above all, I hope that these Members here will get a better spirit of the meaning of true peace and relationship. Thank you.

MR.T.M.FINCHAM: Mr.President, I would like to associate myself with the observations for the President and Members of this House and I sincerely know that you will have a happy, Christmas and prosperous New Year.

HON.K.K.COMOTTO: Mr.President, On behalf of the Elected Members of this House, who hold portfolios, I too, would like to wish to yourself and your family and to all Members at this Assembly our greatest greetings and best wishes for a happy Christmas and its prosperity and health and everything that one could wish for in the New Year.

MR. JAMES H.[illegible]: Well, Mr.President, I on along with the crowd and to Mr Somerhire that Executive Council has just done, one Member speaking on behalf of us, I would ask him to see the solidarity he has shown on this side of the House, so on behalf of my colleague and myself, I take this opportunity to wishing you and your family the very best for the season and thanking you for your toleration us in the Chamber in the manner you have, and to all the officials of Government and even to Executive Council , you know, we wish you all the best. Thank you.

HON.D.F.MYTHER: Mr. President, and Honourable Members, I did open this motion and allowed some of the other members to wish you all the very best and now, on behalf of the Official Members and of the Executive Council and of the Legislature I wish to extend to you and your family all the very best for the Christmas season and a very happy season and a prosperous New Year and likewise to all of the Members of the House from the Official Side and the Executive Council too,I would still wish you all the very best for Christmas.

MR.SPEAKER: Well, before I put the question to the vote, I would like to reciprocate, on behalf of myself , my wife and family, your kind expressed and wish for you, too, a happy Christmas and a prosperous New Year. It is one of the most pleasant aspects of my job here to preside over this Chamber and I think that there can be few assemblies that can meet for four and a half weeks day after day, that can have so few disagreements from the Chair and I think that this is a reflection on the orderly behaviour of this Assembly, of which I think Members can take pride.

So I will now put the question, that this House do now adjourn. Those in favour please say AYE?

MEMBERS: Aye.

MR.SPEAKER: Those against no - The ayes have it, the House stands adjourned sine die.

AT 4.55 P.M. THE HOUSE ADJOURNED SINE DIE.